



LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
DEBATES

60th Session

8th Assembly

Official Report

WEDNESDAY , OCTOBER 27, 1976

Speaker The Honourable David H. Searle, Q.C.

LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

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RANKIN INLET, NORTHWEST TERRITORIES

WEDNESDAY, OCTOBER 27, 1976

MEMBERS PRESENT

Mr. Steen, Mr. Lafferty, Mr. Lyall, Mr. Butters, Mr. Whitford, Mr. Fraser, Hon. Arnold McCallum, Mr. Evaluarjuk, Hon. Peter Ernerk, Mr. Pearson, Mr. Kilabuk, Mr. Pudluk, Hon. David Searle, Mr. Nickerson.

ITEM NO. 1: PRAYER

---Prayer

SPEAKER (Hon. David Searle): Item 2, questions and returns. Are there any returns? Deputy Commissioner Parker.

ITEM NO. 2: QUESTIONS AND RETURNS

Return To Question W19-60: Increased NCPC Power Rates

DEPUTY COMMISSIONER PARKER: Mr. Speaker, on Saturday, October 23, Mr. Butters asked Question W19-60 concerning the timing of the Minister's reply to the report of the Northwest Territories public utilities board regarding Northern Canada Power Commission's rate increase.

The administration has been advised that the Minister has appointed a task force chaired by Mr. A. B. Yates of his department with the chairman of Northern Canada Power Commission as one of the members to examine the rate increases imposed by Northern Canada Power Commission. The task force is to examine ways and means of alleviating the rate increases. This report will be placed before the Minister mid-November and a statement will be forthcoming after the Minister has had time to study the report.

Return To Question W25-60: Designation Of Dolomite Lake Channel Under N.W.T. Parks Ordinance

On Monday, October 25, Mr. Butters asked Question W25-60, concerning the establishment of a territorial park southeast of Inuvik. The area near Inuvik known as the Campbell Hills or Dolomite Hills is under consideration by the federal government as a national wildlife area dedicated primarily to the protection of the peregrine falcon. The Government of the Northwest Territories would prefer to see a territorial park established at that site with the mandate to handle the falcons through co-operation with Environment Canada, as well as permitting recreational activity. Ongoing discussions in this regard are being held between territorial fish and wildlife service and Environment Canada.

Return To Question W26-60: Musk-Ox Quota, Cambridge Bay

On Monday, October 25, Mr. Lyall asked Question W26-60 concerning musk-oxen and polar bear quotas in the Central Arctic. (1) The regulation revision covering increases in quotas for musk-ox for the Cambridge Bay area is presently in the process of being drafted. It is the intention of the administration to announce this regulation change about November 15, 1976. (2) Included in the above regulation revisions are quotas for musk-ox for Holman Island and Bay

Chimo areas. These will be announced as well about November 15, 1976. (3) No increase in polar bear quotas at Holman Island or Spence Bay can be allowed this year.

Return To Question 022-60: ACND Document XND-180

Earlier in the session, by motion for the production of papers, Mr. Butters requested document XND-180. I am pleased to advise that authority for the release of the document has been obtained and it will be made available to Members as soon as it has been duplicated.

---Applause

MR. SPEAKER: Any written questions? Mr. Lafferty.

Question W28-60: Communication Gap, Native, Slavey.

MR. LAFFERTY: Mr. Speaker, I just had one simple little question to ask of the Deputy Commissioner. Greater numbers of communities in the constituency of Mackenzie Liard can be considered to be native, Indian, communities and where the dialect of Slavey is spoken. In view of this, I wonder if the administration is aware of the communication gap between two linguistic groups and would they provide an interpreter at area office at Simpson.

Return To Question W28-60: Communication Gap, Native, Slavey.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, perhaps I could discuss this situation at some time with the Member and try and determine the specific areas in which the communication gap exists with a view to correcting the situation.

MR. SPEAKER: Are there any further written questions? Mr. Butters.

Question W29-60: Approach To Minister Re Labour Legislation.

MR. BUTTERS: Mr. Speaker, would the Commissioner, before the sixty-first session of this Assembly, approach the Minister of Indian Affairs and Northern Development, the Hon. Warren Allmand, and re-present the position he suggested to the former minister unsuccessfully, that the Legislative Assembly be allowed to enact its legislation, relative to labour standards in the Northwest Territories, prior to the federal government, parliament, changing theirs, the Canada Labour Act, but that it not be proclaimed until such time as parliament has changed the Canada Labour Act.

Return To Question W29-60: Approach To Minister Re Labour Legislation.

DEPUTY COMMISSIONER PARKER: Yes, Mr. Speaker, we will approach the Minister on that subject.

MR. SPEAKER: Mr. Evaluarjuk.

Question W30-60: Distribution Of Old Age Pension Cheques, Foxe Basin.

MR. EVALUARJUK: Mr. Speaker, since last year I have been asked to ask about the old age pension cheques. I would like the administration to look into the matter of the old age pension cheques being distributed twice a month instead of once a month. Would the federal government have to be approached or could the territorial government deal with this situation?

I ask this question because the old age pensioners sometimes do not receive their cheques for a long period of time.

Return To Question W30-60: Distribution Of Old Age Pension Cheques, Foxe Basin.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, to the best of my knowledge we have not been approached on this subject, however, I do understand the concern that has been raised with Mr. Evaluarjuk and we will check to see if any change can be made. These cheques are issued by the federal government and I suspect that it will be very difficult to get them to change their practice for part of the country, to produce cheques twice a month, but we will investigate and report either directly to Mr. Evaluarjuk or to Council at the next session.

MR. SPEAKER: Are there any further written questions?

Item 3, oral questions. Mr. Nickerson.

ITEM NO. 3: ORAL QUESTIONS.

Question 031-60: Tabling Of Report On Rules And Procedures Of Judicial Bodies.

MR. NICKERSON: Mr. Speaker, in reply to an earlier question we were told that the report on rules and procedures for judicial bodies was to be tabled or given to us at this session of the Legislative Assembly. Now, because this is probably the last day, I wonder if we could be advised if that is still the situation or not.

Return To Question 031-60: Tabling Of Report On Rules And Procedures Of Judicial Bodies

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the form of the response is a very brief recommendation to Council. I have it in my briefcase, but I did not bring it forward because it seemed that the amount of business that Council had to consider was probably already in excess of the time that the Members were prepared to spend but perhaps that judgment should not have been made by myself. The recommendation to Council, if I might just say in about five words, recommends that we proceed to bring forward such legislation outlining standard rules of procedure and that it be modelled after the Ontario legislation which seems to be adequate in many ways. If it is the wish of the house I can have this document brought forward and then it can be a decision of the house as to whether it is discussed at this session.

MR. SPEAKER: Is it the wish of this house that the document be brought forward today? Let me put it another way, is there anyone who feels it should not be brought forward. Receiving not much of a response to either approach I will assume a positive approach. Are there any further oral questions?

Item 4, petitions.

Item 5, reports of standing and special committees.

Item 6, notices of motions, Mr. Lyall.

ITEM NO. 6: NOTICES OF MOTIONS

Notice Of Motion 23-60: Appointment To Boards

MR. LYALL: Mr. Speaker, I wish to give notice of the following motion:

WHEREAS the procedure has been that the Legislative Assembly of the Northwest Territories may recommend the names of persons to fill vacancies on various boards and bodies established under territorial legislation;

NOW THEREFORE, I move that the name of David Kanayok of Holman Island be approved by this house and considered by the Commissioner as a suitable person to fill the vacancy left on the Northwest Territories Housing Corporation board of directors.

MR. SPEAKER: Thank you, Mr. Lyall. Any further notices of motions?

Item 7, motions for the production of papers.

Item 8, motions.

ITEM NO. 8: MOTIONS

MR. FRASER: Mr. Speaker, Motion 20-60, Employment, Great Bear Lake Lodges.

MR. SPEAKER: Excuse me, but Motion 17-60 is first.

MR. FRASER: Thank you.

MR. SPEAKER: Motion 17-60 was left over for translation and I believe that is Mr. Pudluk's motion.

MR. PUDLUK: I wonder if the Clerk of the House could read it for me.

Motion 17-60: Preparation And Payment Of Fuel Invoices.

CLERK OF THE HOUSE (Mr. Remnant): Motion 17-60, Preparation and Payment of Fuel Invoices.

WHEREAS fuel bills are prepared in Yellowknife and mailed to the settlements and payment for them must be sent to Yellowknife;

AND WHEREAS extensive delays sometimes occur in sending out these bills causing inconvenience and financial hardship for people and for organizations such as the hamlet of Pond Inlet and the housing association in that community;

NOW THEREFORE, I move that the administration revise its existing system so that fuel invoices will be prepared and may be paid for in the settlements.

MR. SPEAKER: Is there a seconder? Mr. Kilabuk. Mr. Pudluk, would you like to open the debate?

MR. PUDLUK: In Inuktitut, this is my motion, and I will talk about it just a little bit. Now, this has happened in a lot of the settlements, the problem with bills for fuel oil and, for instance, in Pond Inlet they received no money at all for fuel, they have no money for that and it is not convenient at all right now. As well, the housing association, the money they had for last year as usual ran out and so, it is very inconvenient and perhaps the government could do something about it, like they have offices in the settlements. Maybe if they could do it right in the settlement, pay for the bill, they would know how much it would cost. That is all.

MR. SPEAKER: Is there any further debate? Mr. Evaluarjuk.

MR. EVALUARJUK: Mr. Speaker, I would like to support this motion because I know what he is talking about and also in the settlement of Igloolik, looking after the money offering for church I also have to get the money from that committee for the fuel, and I know how they go about it. Also for the housing, this is very inconvenient and now I was told they would try and work better at it and in 1975, we still have a bill for payment but they did not do a proper job of it on the fuel costs, we only have invoices of those, and it is almost over \$2000 we have to pay and we still did not receive any of the invoices.

Now, for the Yellowknife people who pay for the oil, they do not send them at all to the settlements and this is very inconvenient for us, and they do not come into the settlements for so long, maybe even six months or eight months, they come in with the bills for the fuel and we were told they would do a proper job of it, of setting up the invoices. Right now, they are coming in faster and it is improving but it has to be improved yet, like right in the settlement, if they could do the billing of the invoices. For instance, last month they had to be sent to Frobisher Bay and then from Frobisher Bay to Yellowknife and this is very hard. Even the bills that are paid, people say they are not paid at all and we get letters from Yellowknife and this is very inconvenient for us, it has to be organized properly.

MR. SPEAKER: Is there any further discussion?

SOME HON. MEMBERS: The question.

Motion 17-60: Preparation And Payment Of Fuel Invoices, Carried

MR. SPEAKER: The question. The question being called, all in favour? Contrary? The motion is carried.

---Carried

Motion 20-60, Mr. Fraser.

Motion 20-60: Employment, Great Bear Lake Lodges

MR. FRASER: Mr. Chairman, Motion 20-60, Employment, Great Bear Lake Lodges.

WHEREAS the Government of Canada has recognized in the Northwest Territories Act, the northern peoples' first claim on the wildlife resources of the territories;

AND WHEREAS the tourist and travel industry in the territories in many instances uses and exploits the fish and wildlife resources found in the Northwest Territories;

AND WHEREAS northern native people, because of their knowledge of the land and its fish and wildlife resources make ideal guides;

NOW THEREFORE, I move that the minister of Economic Development immediately investigate and ensure that the fishing lodges on Great Bear Lake are utilizing to their fullest the talents of the people of Fort Franklin, Fort Good Hope, Fort Norman and other settlements in the operation of the fishing lodges.

MR. SPEAKER: Thank you, Mr. Fraser. Just on a point of order, Deputy Commissioner Parker, does the Executive object to the word "ensure"?

DEPUTY COMMISSIONER PARKER: No, Mr. Speaker.

MR. SPEAKER: Is there a seconder for the motion? Mr. Lyall. Discussion, Mr. Fraser.

MR. FRASER: On a recent trip into Fort Franklin we had a meeting with the local people and their concern is that there is too much waste in the lodges. Tourists go out and they are all looking for a big fish so consequently they catch maybe 20 fish to get a trophy fish and the other fish, the ones that are too small the eight to ten pounders, they throw them back in but they have been found along the shore with their mouth all damaged and consequently you have got a lot of waste. I think there should be more policing or more control on the fishing lodges. There are eight fishing lodges now or seven on Great Bear Lake and only one of them is Canadian owned. The rest are all American owned. Most of their help comes from outside and I think that they should utilize the people in the settlements as much as possible.

I was thinking of trying to set up some kind of a committee to control this but it is just off the ground now and I do not know what we could do about it. I wanted this motion to go through to make sure here of the economic development or whatever.

Motion Carried

MR. SPEAKER: Further discussion? Question? Question being called. All in favour? Down. Contrary? The motion is carried.

---Carried

Motion 21-60, Mr. Fraser.

Motion 21-60: Forest Protection, Low Priority Zones.

MR. FRASER: Mr. Speaker, Motion 21-60, Forest Protection, Low Priority Zones.

WHEREAS the federal government has established an arbitrary priority system for fighting forest and bush fires in the Northwest Territories;

AND WHEREAS some excellent trapping areas lie within forest zones designated by the federal government as the lowest priority for fire control;

AND WHEREAS last summer some excellent trapping areas were burned over because federal firefighters did not take steps to fight fires in so-called "remote" areas until they had grown to the point where they threatened settlements;

AND WHEREAS regional fire protection officers are not able to fight fires in low priority zones on the basis of their own discretion but must await permission to begin counteraction from their headquarters in Yellowknife;

NOW THEREFORE, I move that the Commissioner inform the Minister that his officials responsible for forest protection in the Northwest Territories should: (a) decentralize the discretionary decision authority to begin fighting fires in low priority zones when such zones contain good trapping areas; and (b) that such regional superintendents work in close co-operation with band councils and hunters' and trappers' associations when determining action to be taken regarding fires occurring in low priority zones.

MR. SPEAKER: Is there a seconder? Mr. Lafferty. Discussion, Mr. Fraser.

MR. FRASER: Mr. Speaker, we had quite a fire season in the valley, severe fire season in the valley last summer where you could fly over an area and see 50 or 60 fires burning and no action being taken. Most of that valley is all good timber, a good trapping area, plus the fact that they are talking about a pipeline and a highway going through the valley. I think some action should be taken. The Northwest Lands and Forests Service have set up a priority zone system which consists of one, two, three and four. Priority one is protecting the immediate settlement for a radius of ten miles. Priority two protects the microwave sites and any trappers' cabins along the valley. Priority three protects anybody; fire threatening any lodges, fishing lodges and hunting lodges. The fourth priority zone they do not touch at all. They just let it burn and the same with number three, if it is not threatening anything, it just burns. We had an incident in Fort Good Hope where the fire itself was out 14 miles and it was only a small fire and they were warned about trying to get it out but they did not bother. When the fire finally threatened the town they were thinking of evacuating the people. They ran up a cost of about \$360,000 for that one fire when it could have been put out for maybe next to nothing.

I do not particularly blame Northwest Lands and Forests Service. The authority came from Ottawa to shut down on expenses on firefighting in the valley or in the Northwest Territories as a whole. The people were warned about this prior to the fire season but their cries were never heard by Ottawa. I think it is Ottawa's responsibility to go ahead and try to protect some of these good hunting and trapping areas before it is too late.

MR. SPEAKER: Further discussion? Mr. Nickerson.

Motion To Amend Motion 21-60

MR. NICKERSON: Mr. Speaker, I would move that this matter be referred to the committee of the whole for further discussion.

MR. SPEAKER: Is there a seconder for that? Mr. Butters. On the motion to refer the matter to committee of the whole, Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, in listening to Mr. Fraser it would seem to me that the problem of assignment of priorities is rather complex. He outlined no less than five different priority categories. I am afraid that I for one know very, very little about forest management. I would have assumed that productive areas would have been assigned a fairly high degree of priority so that this problem would not have arisen. Therefore, it would seem to me that it would be advisable if we were to be able to discuss this in committee of the whole so that we can ask questions, hopefully, of people knowledgeable in this field.

I have received correspondence on this particular matter from hunters' and trappers' associations and it would seem to me that one of their prime reasons for asking along the lines Mr. Fraser has is not necessarily to protect trapping areas, although that undoubtedly plays a part in it, but to provide themselves with work in the summertime. That is another thing we have to take into consideration and it might be possible that this could be discussed in committee of the whole, to have representatives of hunters' and trappers' associations here also.

Band Councils And Hunters' And Trappers' Association Co-operation

Another thing which bothers me and which I would like to ask questions about in order that I might vote on this motion in a knowledgeable manner is that where it requests close co-operation with band councils and hunters' and trappers' associations when determining which fire to fight, if the fire is burning and rapidly gaining in momentum surely somebody has to make an immediate decision whether or not they are going to fight that fire. If you call a meeting with the band council, it might take a few days to get this going and there is going to be all kinds of discussion and some people will take one fire and some will take the other so obviously there has to be some kind of mechanism worked out. These are the problems that bother me and this is the reason why I would like to have a much greater length discussion and in much greater depth if we are to be able to resolve this problem properly.

MR. SPEAKER: I would like to make sure that we speak to the motion of whether or not the motion in question is referred to committee of the whole. Mr. Nickerson was very close to debating the motion but he was not out of order quite. He was skating a very fine line. Mr. Butters.

MR. BUTTERS: Thank you, sir. I think Mr. Nickerson very skillfully debated both the amendment and the motion. The amendment requests that we go into committee of the whole here, I assume, and I would not have seconded the amendment had I known it required the bringing in of hunters' and trappers' association members and various people from the wooded areas of the Mackenzie. I doubt that the representatives from hunters and trappers in this constituency have much knowledge on forest firefighting. As I say, I seconded the motion to go into committee and I think it is a good idea because to discuss the priorities and the other things before we make our final decision at this session is vital.

MR. SPEAKER: May I suggest this, that if advisers and representatives of hunters' and trappers' associations were to be required that would surely be something that would come out of the initial committee of the whole discussion. In other words, the mere fact it goes into committee of the whole, surely that would be the sort of thing that the committee of the whole would then discuss. Mr. Fraser.

MR. FRASER: Mr. Speaker, I would like to answer Mr. Nickerson's question. I think I can maybe fill him in a little bit on it. These priority zones are not made up in the Northwest Territories. They are made up in Ottawa and they are sent down to Yellowknife and then sent out to the different districts. At one time...

MR. SPEAKER: Mr. Fraser, excuse me. I think if you do not mind, address your discussion to whether or not you object to the motion being discussed in committee of the whole. That is what you have to discuss now, on his amendment. Do not get into the discussion now that would otherwise take place in committee of the whole. Otherwise you would just be going over it again. Address yourself please to whether you object to it going into committee of the whole.

MR. FRASER: I support the amendment, Mr. Speaker.

MR. SPEAKER: Further discussion on the motion to refer this motion to committee of the whole? Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, I feel that this motion requires a lot of debate or talking about and understanding and questions asked, so in that sense I support the motion to study it in committee of the whole.

Motion To Amend Motion 21-60, Carried

MR. SPEAKER: Thank you. Question on Mr. Nickerson's motion to refer Mr. Fraser's motion, Motion 21-60, to committee of the whole. All in favour? Eight. Down. Contrary? One. The motion is carried.

---Carried

In an attempt, gentlemen, to facilitate that request today if at all possible do we have unanimous consent to alter the orders of the day to put it on the orders of the day today?

---Agreed

Motion 22-60, Mr. Butters.

MR. BUTTERS: I do not recall I had a motion, sir.

MR. SPEAKER: Motion 22-60 is the motion you made as a Member of the Rules committee.

MR. BUTTERS: Possibly the Minister or the chairman would wish to introduce that, seeing that he is here.

MR. SPEAKER: Hon. Arnold McCallum, Mr. Butters was prevailed upon to move Motion 22-60 yesterday in your absence and possibly you would like to take over the carriage of it at this point.

Motion 22-60: Amendment To The Rules Of The Assembly

HON. ARNOLD McCALLUM: Mr. Speaker, the motion is amendments to the Rules of the Assembly:

WHEREAS the continuing increase in the amount of business being undertaken by this Assembly requires certain procedural adjustments;

NOW THEREFORE, I move that this house adopt the amendments to the Rules attached hereto.

MR. SPEAKER: Is there a seconder? Mr. Nickerson.

Now, gentlemen, I suggest with this one that if extensive discussion is required it would appear to me that this is the sort of motion that you might want to refer to committee of the whole, and that, I think, might be done before we get too deeply into debate. So if anyone has any real objection to the proposals here, then let us get into committee of the whole with it, or at least that would be my thought. Mr. Butters.

Motion To Amend Motion 22-60.

MR. BUTTERS: Almost on a point of order, sir, that is why I did not second the motion, I was not sure if I would be ruled out when I suggested we move it into committee of the whole for more complete discussion. I do not think it is a matter of objection; it is just so that Members can become fully cognizant of the reasons for the Rule changes and have an opportunity to debate or discuss them.

MR. SPEAKER: Mr. Butters has moved that Motion 22-60, these Rule changes, be discussed in committee of the whole. Is there a seconder? Mr. Pearson. Are you prepared for the question on the motion to refer into committee of the whole?

SOME HON. MEMBERS: The question.

Motion To Amend Motion 22-60, Carried.

MR. SPEAKER: The question. The question being called. All in favour? Contrary? With one contrary the amendment is carried.

---Carried

Again, do I have unanimous consent to put this on today's orders of the day? Is it agreed?

---Agreed

I wonder if Mr. Lyall could be easily located? He gave notice of motion with respect to the appointment of someone to the Northwest Territories Housing Corporation. Apparently he is getting a correction made to the typewritten copy, so he will have to ask to come back to motions later.

Item 9, tabling of documents. Are there any documents to be tabled?

May we go back to Item 8, motions, for Mr. Lyall? Is it agreed?

---Agreed

MR. LYALL: Mr. Speaker, do I require the unanimous consent of the house to make this motion now?

MR. SPEAKER: Yes. Is there unanimous consent of this house to move the motion that Mr. Lyall just gave notice of with respect to an appointment to the board of directors of the Housing Corporation? Is it agreed?

---Agreed

Proceed.

Motion 23-60: Appointment To Boards

MR. LYALL: Mr. Speaker:

WHEREAS the procedure has been that the Legislative Assembly of the Northwest Territories may recommend the names of persons to fill vacancies on various boards and bodies established under territorial legislation;

NOW THEREFORE, I move that the name of David Kanayok of Holman Island be approved by this house and considered by the Commissioner as a suitable person to fill the vacancy left on the Northwest Territories Housing Corporation board of directors.

MR. SPEAKER: Is there a seconder? Mr. Pudluk. Any discussion?

SOME HON. MEMBERS: The question.

Motion Carried

MR. SPEAKER: The question. The question being called. All in favour? I will not call the contrary. The motion is passed unanimously.

---Carried

ITEM NO. 10: CONSIDERATION IN COMMITTEE OF THE WHOLE OF BILLS, RECOMMENDATIONS, OTHER MATTERS AND INFORMATION ITEMS

Item 10, consideration in committee of the whole of bills, recommendations, other matters and information items. As I recall, at the close of yesterday, Deputy Commissioner Parker, you indicated that Bill 3-60 would be your preference to start off with.

This house will resolve into committee of the whole for consideration of Bill 3-60, the Territorial Hospital Insurance Services Ordinance, with Mr. Butters in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 3-60, Territorial Hospital Insurance Services Ordinance, with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 3-60, TERRITORIAL HOSPITAL INSURANCE SERVICES ORDINANCE

THE CHAIRMAN (Mr. Butters): The committee will come to order.

HON. PETER ERNERK: Mr. Chairman, I wonder...

THE CHAIRMAN (Mr. Butters): If I could call the committee to order, we will come to order to consider Bill 3-60, An Ordinance to Amend the Territorial Hospital Insurance Services Ordinance.

The purpose of this bill is to provide for the appointment of boards of management to manage and operate health facilities funded by the government of the territories. Provision is made for the appointment of a public administrator to manage a health facility where the Commissioner considers it to be in the public interest. Mr. Minister.

HON. PETER ERNERK: Thank you, Mr. Chairman. I wonder if it is possible, or if I could have the unanimous consent of the house to have Mr. Torrance, the director of the Department of Social Development, come into this house and sit beside me?

THE CHAIRMAN (Mr. Butters): Certainly. Mr. Torrance, could you come in and join us for the remainder of this discussion, please?

Before I ask for comments from the chairman of our legislation committee, Mr. Minister, do you wish to introduce the purpose or reason for the amendments?

HON. PETER ERNERK: Yes, Mr. Chairman. These are some of the amendments to the Territorial Hospital Insurance Ordinance, and there are two reasons for placing these particular amendments before the Legislative Assembly at this time. Number one, we need legislative authority to establish local boards of management for hospitals and other health facilities within the Northwest Territories that are funded by the Government of the Northwest Territories. Two, we need legislative authority for the appointment of a public administrator for any of these health facilities, should that ever become necessary. At present the ordinance provides no such authority.

Operation Of Health Facilities

Now, for some time now my department has been considering ways of ensuring more effective community involvement in the management and operation of health facilities, and the policies we have recommended to the Executive Committee, which have been approved by them, involve the following, and there are three major ones: the ownership of hospitals and health facilities by the territorial government; the appointment of the local board of management for each health facility with the community council providing the names of persons it feels should be members of such a board; and, three, a local board of management which would be a corporate entity, it would hire the administrator for the facility, give policy direction to him and be responsible for the general operation of the facility, and approval of the budget submitted to the Territorial Hospital Insurance Services board, who would decide ultimately on the funding of the facility.

The approval of this amendment is particularly significant at this time because of the plans that are now underway to build a new health centre in Fort Smith which will provide acute hospital care, chronic care, for persons from that area, and in-house public health and social services. St. Anne's hospital would go out of existence as a hospital facility when this new centre comes on stream. If this amendment is passed, we can then follow, with the town of Fort Smith, to establish a board of management replacing the committee that they now have in place. The proposed amendment, Mr. Chairman, also provides authority for the Commissioner to appoint a public administrator for any health facility funded by the territorial government to ensure that the facility can continue to provide an adequate level of care to patients and that it not be forced to close because of poor financial management. Mr. Chairman, that is all I have to say at this time, thank you.

THE CHAIRMAN (Mr. Butters): Thank you. Before asking for any comments by Members on your remarks, I will see if the legislation committee chairman, Mr. Nickerson, has anything for us regarding this bill. Mr. Nickerson.

Wishes Of The Legislative Assembly

MR. NICKERSON: Yes, Mr. Chairman, this legislation reflects the wishes of the Legislative Assembly of the Northwest Territories in that it provides for local input into the operation of what here is described as health facilities, and this is something we have requested of the administration. Similarly we have requested that, as speedily as possible, health facilities now operated by the federal government should be transferred to our jurisdiction and the legislation here sets up the machinery whereby such facilities could be operated after they are transferred. There was considerable heated discussion at the standing committee on legislation when we met on this ordinance, but we are assured now that the Department of Social Development has done a very good job with the draft we have before us, and we are sure that this will reflect the ideas of the standing committee on legislation and also of the Legislative Assembly. They have incorporated nearly all of the suggestions we made; they have made a great deal of change to the way in which people are to be appointed to these various health facilities, and I suspect that this bill will have a swift passage, unlike some other legislation that has come before us at this session.

THE CHAIRMAN (Mr. Butters): Thank you. Any questions of either the Minister or any comments on the statement made by the chairman of the legislation committee, or any questions?

HON. PETER ERNERK: I am very pleased to hear Mr. Nickerson's comments. I think they are very, very encouraging.

THE CHAIRMAN (Mr. Butters): Thank you, sir. If there are no comments of a general nature, would the committee permit me to go through this clause by clause?

Stanton Yellowknife Hospital

MR. NICKERSON: I have one comment, namely with respect to the Stanton Yellowknife hospital. One thing that bothers certain people in Yellowknife is that as this legislation stands it would be possible for the present hospital society to be put out of action, so to speak, and an administrator could be appointed, for instance, for not really a valid reason, and this could possibly happen. Then, after a period of administration by the administrator a committee under this ordinance could be set up. It could be a mechanism used to get rid of the present school society which in my opinion -- sorry, the Stanton Yellowknife hospital society, which in my opinion is doing a very good job, I wonder if the Minister could give us his assurance that this is not the intent of this legislation, and what he in fact sees in the way of administration for the Stanton Yellowknife hospital in the near future.

HON. PETER ERNERK: Mr. Chairman, I wonder if I could refer the committee later on to the public administrator and the contract of management. I believe we could get into that discussion as we go along with this, studying it clause by clause.

THE CHAIRMAN (Mr. Butters): I understand the Minister's reply to be that he will reply to you more specifically when we come to that particular part of the ordinance.

MR. NICKERSON: Several parts of the ordinance would come into play, and that is why I asked.

THE CHAIRMAN (Mr. Butters): May we go to a clause by clause examination of the bill, if Members agree? Before I go, I would direct my questions especially to the Inuktitut speaking Members, and rather than get caught like I did before with regard to the bill, my thought was that I would read in its entirety the bill as we go through so that I could be sure that a full understanding takes place with regard to every clause under consideration. Does that meet with the agreement of Members, and especially with the Members requiring translation from English? Is it agreed?

---Agreed

Definitions

Thank you very much. Clause 1, definitions. I will read it first and then ask for comments. The Territorial Hospital Insurance Services Ordinance is amended by adding thereto, immediately after section 11 thereof, the following heading and sections. Board of management, 11.1. In sections 11.2 to 11.9 (a) "board of management" means a board of management appointed under section 11.2; (b) "health facility" means any hospital, health centre or other health program or service owned or funded by the government of the territories.

MR. NICKERSON: I think I might take this opportunity of pointing out to Members of the committee that "health facility" here has a much more expanded meaning than what you would naturally assume. It does not necessarily restrict itself to hospitals and nursing stations and the kind of physical plant. It also takes into account health programs such as what a community health worker might do in a particular community so I think Members should be aware of this and the expanded meaning of the words "health facility" when used within the ordinance.

THE CHAIRMAN (Mr. Butters): Thank you for your contribution. Paragraph (c) "member" means a member of a board of management; (d) "public administrator" means a person appointed as public administrator under section 11.8. Section 11.2(1). The Commissioner may, in accordance with this section, appoint a board of management ... I guess I have gone out of the interpretation section. I beg your pardon. I was proceeding too quickly. The four sections that appear in the interpretation section of the Territorial Hospital Insurance Ordinance, is there any comment on these? The lack of response indicates Members' agreement with the four new definitions for the interpretation section?

--Agreed

Thank you. Section 11.2, board of management. Thank you.

Board Of Management

Section 11.2(1). The Commissioner may, in accordance with this section, appoint a board of management for any health facility. (2) A board of management shall consist of a chairman and not less than five members or such greater number of members as may be fixed by the Commissioner. (3) The Commissioner shall, before appointing a board of management, solicit from the council of the community in which the health facility is situated, names of persons suitable for appointment as members of the board of management, and shall satisfy himself, when appointing members of the board of management, that the areas served by the health facility are adequately represented on the membership of the board of management. Agreed?

---Agreed

Section 11.3, term of office.

Term Of Office

Subsection 11.3(1). This is quite a long one having quite a number of sub-clauses -- The chairman of a board of management shall hold office during pleasure and, subject to subsection (2), the members shall hold office for a term of three years. Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, I have only two points to make on this whole ordinance really. One of them occurs in subsection 11.3(1) and that is I take a certain exception to people who have been appointed during pleasure. What happens, what could happen in these circumstances if somebody gets appointed to this position and he may not really be doing his job as enthusiastically as he should, but on the other hand, he is not really doing things badly and people are reluctant to remove him, although they know that better people are available? For this reason, I would like to see a specific term laid down there with, of course, the provision that he could be re-elected.

THE CHAIRMAN (Mr. Butters): Mr. Pearson, I do not intend to accept comments from anyone else besides the chairman of the legislation committee. I am going to read it through and then we will come back. I welcome the suggestions of the chairman of the legislation committee as I go through but I am going to read it through and then come back and you can make your comments, rather than breaking up the procedure.

MR. PEARSON: Mr. Chairman, I ...

THE CHAIRMAN (Mr. Butters): I would like to complete the reading of this clause by clause.

MR. PEARSON: On a point of order, I understand you are getting "agrees" as you go through.

THE CHAIRMAN (Mr. Butters): No, I am not. Mr. Nickerson is the chairman of the standing committee on legislation and I think it is very helpful to the committee if he can interject at the point where he feels there may be some requirement for a change and I accept that but I would like to finish reading the remainder of the clause by clause.

MR. PEARSON: Agreed.

THE CHAIRMAN (Mr. Butters): Subclause (2). On the first appointment of a board of management (a) one third of the members, or as nearly as may be, shall hold office for a term of three years; (b) one third of the members, or as nearly as may be, shall hold office for a term of two years; and (c) the remaining members shall hold office for a term of one year.

Subclause (3). The Commissioner may, at the expiration of the term of office of a member of a board of management, re-appoint that member, but no person shall hold office for more than two consecutive terms.

Subclause (4). Where, for any reason, a vacancy occurs in the membership of a board of management, the Commissioner may appoint another person to fill the vacancy for the unexpired term of office of the member being replaced.

Subclause (5). Notwithstanding subsection (3), the Commissioner may, where he considers it in the public interest to do so, designate any member of a board of management, in addition to the chairman thereof, to hold office during pleasure.

Subclause (6). A majority of a board of management constitutes a quorum for the transaction of business and where there is a vacancy in the membership of a board of management, the remaining members may exercise all the powers and shall perform all the functions and duties of the board of management.
Mr. Pearson.

MR. PEARSON: Mr. Chairman, it seems to me that the method of selecting people to these hospital boards has that colonial ring to it still. Mr. Nickerson I think pointed out a couple of interesting points and considering the evolution of political development and the evolution of greater responsibility by people in the communities, the advent of elected councils and the advent of decentralization, it seems logical to me that the ideal solution for providing people to serve on these boards would be very simple: elect them. If school boards are going to be elected, I do not see why or any reason why hospital boards could not be elected. I think there are people in the settlements who would function very well on an elected basis but what Mr. Nickerson says is very true in many cases, that people who are appointed to these boards for the strangest reasons, not because of any particular ability, but because they happen to look nice -- I mean strange reasons they get appointed. To appoint somebody for these lengths of time seems to me to be a backward step, a colonial step.

THE CHAIRMAN (Mr. Butters): Thank you.

MR. PEARSON: I will throw that at you for now.

HON. DAVID SEARLE: That would certainly be true if it were not for the fact that the Commissioner is making ...

THE CHAIRMAN (Mr. Butters): Order. We are having trouble with the sound system.

HON. DAVID SEARLE: I would think Mr. Pearson's comment would be accurate if it were not for the fact that the people recommending the names of course are the community council, the council of the community in question who are elected. In other words, it is the elected officials of the community who are responsible for the appointment of these people to the management board. But because, as we have heard so many times this session, the Executive authority for appointments by the Northwest Territories Act is vested in the Commissioner, whether we like it or not, he is simply the vehicle or the mechanism by which the local will is translated from the community council to the board. So surely, though it has to be done via the Commissioner, it is as much an expression of the local will as you can possibly get in that the list of names is prepared by the community council.

THE CHAIRMAN (Mr. Butters): Thank you very much, sir. Mr. Minister.

HON. PETER ERNERK: Mr. Chairman, Hon. David Searle explained it very well. Of course, we all have to realize that all of the names that will be brought before the Commissioner I assure the Honourable Member from Frobisher Bay they will be nominated by the community council.

THE CHAIRMAN (Mr. Butters): Thank you.

HON. PETER ERNERK: I take that to be the main point.

THE CHAIRMAN (Mr. Butters): Mr. Pearson, are you satisfied with that very full and complete explanation of doing it from both the previous speakers?

MR. PEARSON: Yes.

Local Elections

MR. NICKERSON: When we were discussing this in committee we thought of this problem and we actually considered whether or not it might be advisable to have local elections to elect these people with, of course, the knowledge that the actual appointment still would be made by the Commissioner.

We decided against it. One of the reasons was in most of the communities in the Northwest Territories with the exceptions of maybe Yellowknife and Hay River and the few large ones, they are very small and comprise only a few hundred people. They already have a number of these separate committees looking after various things and we are kind of scared that by setting up all these various education committees, the councils you might be fractionating the community. Also we feel that if we were to do this we might be taking a good deal of the power away from the elected hamlet or village council and we want the council to get into other things rather than just sewers and garbage. We want to give the council a fairly high degree of authority. Therefore, we felt that it would be best to leave it up to the council to make these recommendations.

We would foresee in many of the smaller communities a health facility board made up primarily of local councillors if this were the wishes of the people in that particular community, with maybe one or two experts other than council members on that particular community, with maybe one or two experts other than council members on that. In a lot of the communities it seems there are only a limited number of people with the time and the ability to operate on these various boards and committees. We recognize the fact that it might be difficult in many cases to get people to serve on them. So, we wanted to leave as much discretion as possible with the hamlet or village council which we felt was the organization which should have the most power at the local level.

THE CHAIRMAN (Mr. Butters): Mr. Pearson.

MR. PEARSON: Mr. Nickerson's silver tongue has persuaded me.

THE CHAIRMAN (Mr. Butters): Is this agreed?

---Agreed

Body Corporate

Over the page to page four, subsection 11.4(1), body corporate. Every board of management is a body corporate under the name assigned to it by the Commissioner. (2) The Commissioner may change the name assigned to a board of management when he considers it advisable to do so.

Is there any discussion? Is it agreed?

---Agreed

Subsection 11.5(1). A board of management shall manage, control and operate such health facility as may be designated by the Commissioner. (2) A board of management may exercise such powers as are necessary and incidental to the management, control and operation of the health facility designated under subsection (1).

Is there any discussion? Is it agreed?

---Agreed

Section 11.6, audit. Subsection 11.6(1). The accounts of every board of management shall be audited annually by the territorial auditor. (2) The Territorial Hospital Insurance Services board shall determine the fiscal year of every board of management. (3) Every board of management shall prepare and submit annually to the Territorial Hospital Insurance Services board; (a) a report upon its business for the immediately preceding fiscal year; (b) a financial statement of the activities of the board of management for the immediately preceding fiscal year; and (c) such other reports and documents as may be required by the Territorial Hospital Insurance Services board.

Is there any discussion? Is it agreed?

---Agreed

Section 11.7, liability. No chairman or member of a board of management is personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done by the chairman or member pursuant to or in the exercise of the powers conferred by this ordinance or by the Commissioner. Is there any discussion? Is it agreed? Could I have some more agrees, I only heard two.

---Agreed

Public Administrator

Thank you. Section 11.8, public administrator, subsection 11.8(1). The Commissioner may appoint a person as public administrator to manage the affairs of a health facility if the Commissioner is of the opinion that (a) the continuing provision of care to patients is for any reason being threatened; (b) the members of the governing body of the health facility have resigned and they are not being immediately replaced; (c) the safety of patients is

jeopardized by reason of a failure to comply with reasonable standards of care; (d) the governing body of the health facility has failed to assume responsibility for the provision of health facilities or services; (e) the health facility appears to be in financial difficulty; (f) serious problems exist in relation to the governing body and the management of the health facility; (g) in the circumstances it is in the public interest that a public administrator be appointed to manage the affairs of the health facility.

Subsection (2). Subject to subsection (3), where a public administrator is appointed, the powers, duties and responsibilities of the governing body of the health facility in respect of which he is appointed devolve upon the public administrator and he may exercise all the powers, duties and responsibilities of a governing body with respect to the operation and finance of the health facility.

Subsection (3). The Commissioner may prescribe terms and conditions governing the powers, duties and responsibilities of a public administrator appointed under this section.

Subsection (4). The Commissioner may terminate the appointment of a public administrator and may specify the conditions under which the operation of the health facility shall be carried on after such termination.

Subsection (5). A public administrator shall receive such remuneration for his services as the Commissioner may prescribe, and the remuneration may be paid from the funds of the health facility in respect of which the public administrator was appointed.

Subsection (6). No public administrator is personally liable for any loss or damage suffered by any person by reason of anything in good faith done or omitted to be done by the public administrator pursuant to or in the exercise of the powers conferred by this ordinance or by the Commissioner. Is there any discussion? Mr. Minister, have you any comments?

HON. PETER ERNERK: I was going to ask Mr. Nickerson if that whole section explains his previous question with respect to public administrators?

MR. NICKERSON: I am afraid it does not. I do not think there is one specific section that refers to what I had in mind.

THE CHAIRMAN (Mr. Butters): May I suggest that when we complete the clauses that I turn the floor over to you to enlarge on the position you are presenting?

MR. NICKERSON: All right.

THE CHAIRMAN (Mr. Butters): Then, with that do I have agreement for section 11.8 regarding public administrators and subsections (1) to (6) thereto. Is it agreed?

---Agreed

Contract Management

Clause 11.9, contract management. Nothing in sections 11.1 to 11.8 precludes the Commissioner approving a contract with a private organization, agency or firm, to provide management services or to administer and manage a health facility. Mr. Minister.

HON. PETER ERNERK: Mr. Chairman, this was one of the questions Mr. Nickerson asked with respect to the Yellowknife Stanton hospital. As it stands, the Stanton hospital is presently owned by the city of Yellowknife and is operated by the Stanton Yellowknife hospital society. This society could continue to operate the hospital under the provisions of section 11.9 which we have just read. Should the ownership of the hospital pass from the city of Yellowknife to the Government of the Northwest Territories, the question of management would be open to review. The options are: Number one, under the provisions of section 11.9 the society could be given a contract for operating the hospital or, number two, a board of management could be appointed.

THE CHAIRMAN (Mr. Butters): Thank you very much. Mr. Nickerson.

MR. NICKERSON: That explanation is quite sufficient.

THE CHAIRMAN (Mr. Butters): Is there anything further? With that discussion we have completed the bill and with permission of the committee...

MR. NICKERSON: Mr. Chairman, this is probably a legal matter which we should address to the Legal Advisor, but the committee considered the advisability of putting a coming into force clause in this ordinance. It would appear to me, although at the time we discussed this we were given the assurance that everything was ready to go, I now find that certain things may not be ready to go right at this very moment. So, I wonder if you could inquire, Mr. Chairman, of the necessity of putting a coming into force clause into this bill?

THE CHAIRMAN (Mr. Butters): Madam Legal Advisor?

LEGAL ADVISOR (Ms. Flieger): As I look at the sections, Mr. Chairman, it appears to me that there is no mandatory section; that is, there is nothing that must be done immediately and when the program is ready, presumably it would then go; that is to say, if the bill were enacted and brought into force immediately, there is nothing I can see that has to be done immediately.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson.

MR. NICKERSON: So it would appear there was no necessity for a coming into force clause in that case.

THE CHAIRMAN (Mr. Butters): Thank you. So would Members permit me to report the bill ready for third reading to the Speaker?

---Agreed

MR. SPEAKER: Mr. Butters.

Report of the Committee of the Whole of Bill 3-60, Territorial Hospital Insurance Services Ordinance

MR. BUTTERS: Mr. Speaker, your committee has met to consider Bill 3-60, An Ordinance to Amend the Territorial Hospital Insurance Ordinance and the bill is now ready for third reading, sir.

MR. SPEAKER: Thank you. The next order of business, Deputy Commissioner Parker.

Bill 7-60, Insurance Ordinance Withdrawn

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I propose the next order of business to be Bill 5-60, the Apprentices and Tradesmen's Ordinance. Mr. Speaker, could I make one further comment? That comment is that the administration wishes to withdraw Bill 7-60, the Insurance Ordinance.

MR. NICKERSON: Hear, hear!

DEPUTY COMMISSIONER PARKER: We have made a further study of this and obtained further information which leads us to believe that there are some questions regarding that bill unanswered. The possibility exists that we might reintroduce the bill at a later time but we would not wish to continue with it at this time until we are completely satisfied as to the properness of it.

MR. SPEAKER: So, we will strike Bill 7-60 from the order paper.

This house will resolve into committee of the whole for consideration of Bill 5-60, the Apprentices and Tradesmen's Ordinance, with Mr. Butters in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 5-60, Apprentices and Tradesmen's Qualifications Ordinance, with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 5-60, APPRENTICES AND TRADESMEN'S QUALIFICATIONS ORDINANCE

THE CHAIRMAN (Mr. Butters): The committee will come to order to consider Bill 5-60, An Ordinance Respecting the Training and Certification of Apprentices and Tradesmen. The purpose of this bill is to provide for the certification of persons in designated trades and to set out guidelines respecting contracts of apprenticeship. Mr. Minister, do you wish your adviser or advisers to be present?

HON. ARNOLD McCALLUM: Yes I would, Mr. Chairman, I would like to have Mr. Witty come forward.

THE CHAIRMAN (Mr. Butters): If you would come forward Mr. Witty and if you would like to make an introductory statement before the chairman of the standing committee on legislation reports.

HON. ARNOLD McCALLUM: I do, but do so with a great deal of trepidation, waiving the rules. Mr. Chairman, the present ordinance under which we operate our apprenticeship program was originally assented to in November of 1963 and, of course, in the ensuing 13 years and with the amounts, both of money and trade apprentices that have been involved, that ordinance is out of date. I think we have to revise this ordinance to ensure that it meets the present needs of the people of the Northwest Territories.

The Northwest Territories is emerging as a partially industrialized society and it requires more and more skilled tradesmen, and this requirement has far outstripped the old ordinance and its ability to respond to that need. For example, sir, there were no provisions within the existing ordinance for the certification of experienced but uncertified tradesmen. In an attempt to clearly state this recognition, the recognition of experience in place of formal training, we have changed the title to "An Ordinance Respecting the Training and Certification of Apprentices and Tradesmen".

Local Concerns

In the same vein, the old ordinance had no provision for recognizing local concerns nor an official method of expressing those concerns. The ordinance that we are proposing will establish trade advisory committees with territorial-wide concern for a specific trade, and local apprenticeship advisory committees to deal with the complete program at the area or site, for example, at the Pine Point mine, at the community Pine Point level. The trade advisory committee is expected to make recommendations in any matter pertaining to apprenticeship and trades training, certification and regulations for the specific trade for which it was appointed. They will review the training programs and certification requirements of the trade, making recommendations that will assist the administration to maintain relevance and effectiveness.

Local apprenticeship advisory committees, on the other hand, advise and assist in supervising the apprenticeship program on matters relating to the program in a small area. A further example of the need for this kind of legislation is that of the establishment of an apprenticeship and tradesmen's qualifications board. This board, Mr. Chairman, will have representatives from all parts of the Northwest Territories and will clearly reflect the private sector. Therefore, Mr. Chairman, I would suggest that this house give assent to having this bill go into third reading.

THE CHAIRMAN (Mr. Butters): Thank you very much, Mr. Minister.
Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, the standing committee on legislation was, of course, pleased with the fact that a new apprenticeship ordinance was being put into being. There is an obvious need for it. The one we have at present is very old and most of our present programs are run in

contravention to the new ordinance, or if not in actual contravention, stretching it away from what is stated in existing legislation.

The committee made several recommendations with respect to the ordinance, the bill presented to us at that time, and we are pleased to note that by far and away most of our recommendations are now incorporated in the draft you have before you now.

THE CHAIRMAN (Mr. Butters): Thank you very much, sir. Are there any general comments relative to the bill, questions of the Minister, or comments on the recommendations of the legislation standing committee? If there are no general comments or questions, may we do as is the usual practice and go to clause 2, definitions. In clause by clause examination, I will proceed as I did in the other draft with the definition section.

Definitions

Clause 2. In this ordinance (a) "apprentice" means a person who is at least sixteen years of age and who has entered into a contract of apprenticeship under this ordinance; (b) "Board" means the apprentices and tradesmen's qualifications board appointed pursuant to section 5; (c) "contract" means a contract of apprenticeship in accordance with this ordinance; (d) "designated trade" means a trade designated by the Commissioner under subsection 9(2). Discussion or questions on the interpretation section. Agreed?

---Agreed

Clause 3, application of ordinance. This ordinance applies to all designated trades. Discussion? Agreed?

---Agreed

Clause 4, supervisor of apprenticeship programs. The Commissioner shall appoint a supervisor of apprenticeship programs and may appoint such other officials as he considers necessary for the purpose of this ordinance. Agreed?

---Agreed

Duties Of Board

Clause 5, board subclause (1). There shall be a board to be known as the apprentices and tradesmen's qualifications board consisting of five members appointed by the Commissioner for a term of two years and the members may be reappointed.

Subclause (2). The Commissioner shall designate one member of the board as chairman.

Subclause (3). The board shall hold quarterly meetings and may hold special meetings when considered necessary by the chairman.

Subclause (4). The board (a) shall hear and determine all appeals made to it under this ordinance, (b) may recommend that the Commissioner designate a trade and may recommend regulations respecting the training and certification of persons in any designated trade, (c) shall review any recommendations of a trade advisory committee with respect to the training, examination and certification of persons in the trade for which the committee was appointed, and (d) shall perform such other duties as the Commissioner may assign with respect to any matter within the scope of this ordinance. Discussion?
Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I am wondering if in clause 5, the board members, would they be tradesmen or are they just anyone out of the community?

THE CHAIRMAN (Mr. Butters): Mr. Minister, would you reply, please?

HON. ARNOLD McCALLUM: Mr. Chairman, the members could actually be anybody. We would hope, and I think it would be the view of the administration, to recommend to the Commissioner that when a list of names is proposed that the private sector, tradesmen, that we have that kind of representation on the board. When I say "representation", I am not simply meaning one person.

THE CHAIRMAN (Mr. Butters): Mr. Lafferty, have you further questions?

MR. LAFFERTY: Yes. One of the things that disturbs me a great deal in the North is we create boards dealing specifically with certain matters and appoint people with no experience in the matters, sitting on the boards.

HON. ARNOLD McCALLUM: We would not want to do that, Mr. Chairman.

THE CHAIRMAN (Mr. Butters): Thank you. Any further questions or comments on clause 5? Clause 5, agreed?

---Agreed

Trade Advisory Committees

Clause 6, trade advisory committees, subclause (1). The Commissioner may appoint trade advisory committees for any trade or group of trades to advise the board in matters relating to apprentice training programs and tradesmen's qualifications.

Subclause (2). Every trade advisory committee shall consist of not more than five members made up of equal numbers of representatives of employers and employees and one employee in the public service of the territories.

Subclause (3). A trade advisory committee shall review the training program and certification requirements of the trade for which it was appointed and may recommend revisions necessary to maintain an effective program.

HON. ARNOLD McCALLUM: Mr. Chairman, if I may comment here, we have examples of the kinds of advisory committees in existence now in the area of carpentry, for example. The people involved in this committee are basically journeymen of that trade. They assist, of course, in ensuring that the training for that particular trade is kept at a high level.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Mr. Pearson.

MR. PEARSON: The board, I gather, will also be able to review the qualifications of some of the existing tradesmen, particularly tradesmen who come north from southern Canada, recruited by the government?

THE CHAIRMAN (Mr. Butters): We are talking about the committee now. Are you talking about the committee?

MR. PEARSON: The committee, yes.

THE CHAIRMAN (Mr. Butters): Mr. Minister.

HON. ARNOLD McCALLUM: Mr. Chairman, the certification of these people who would come in from outside, we would review the qualifications of these people. We would certainly not want to certify someone who does not have the qualifications. It is not our intention to do that. By the same token, Mr. Chairman, a person coming from another area who does hold a ticket in a particular trade, it would be very difficult for us to remove it.

THE CHAIRMAN (Mr. Butters): Thank you, sir. With that explanation, is clause 16 and subclauses (1), (2) and (3) agreed?

---Agreed

Per Diem Allowance

Clause 7, per diem allowance. The members of the board, examiners and members of committees who are not full time employees in the public service of the territories shall be paid a per diem allowance, to be fixed by the Commissioner, and shall be paid the reasonable and necessary expenses incurred by them in the performance of their duties. Discussion? Agreed?

---Agreed

Clause 8, local apprenticeship advisory committee. The supervisor of apprenticeship programs may appoint local apprenticeship advisory committees composed of such persons as he considers appropriate to advise and assist him in matters relating to apprenticeship training in any area. Discussion?

HON. ARNOLD McCALLUM: Mr. Chairman, just a comment here as well. We have apprentice employment counsellors who assist in advising the supervisor of apprenticeship programs on the recommendations and actions that would be taken at the local level. We feel that this is a much needed part of the program. Usually the counsellor, the apprentice employment counsellor, serves as a chairman and spokesman for the group and gets the feeling at the local level and passes it along.

Powers Of The Commissioner

THE CHAIRMAN (Mr. Butters): Thank you. Clause 8 being agreed to, clause 9, powers of the Commissioner. Subclause (1). The Commissioner shall (a) issue a certificate of qualification in a trade to a person who, (i) has passed the prescribed examination, (ii) has successfully completed an apprenticeship program under this ordinance, or (iii) files the prescribed application, pays the prescribed fee and is the holder of a currently valid certificate of qualification that bears the Canadian interprovincial standards examination seal or a certificate from any other province in Canada; and (b) issue a certificate of completion of apprenticeship to an apprentice who has successfully completed an apprenticeship program under this ordinance.

Subclause (2). The Commissioner may issue a certificate of status that indicates the level of progress achieved by an apprentice or tradesman.

Subclause (3). The Commissioner may by regulation designate a trade as being appropriate for apprenticeship or for the issuing of certificates of qualification, or both.

Subclause (4). The Commissioner may delegate his powers and duties under subsection (1). Discussion?

MR. LYALL: Just one question, Mr. Chairman. Have you people ever got an answer as to why, when a person gets the Canadian interprovincial standards certificate, have you ever found out why it is not good in Quebec?

THE CHAIRMAN (Mr. Butters): Mr. Minister.

HON. ARNOLD McCALLUM: Mr. Lyall will be happy to know that for the past two years or so Quebec now belongs to that group. Prior to that, they did not. Therefore, the red seal was not in effect in terms of Quebec, but for the past two years Quebec does now join in the Canadian interprovincial standards examination group and the red seals for a particular trade do apply in Quebec now.

THE CHAIRMAN (Mr. Butters): Thank you. Is there any further discussion on clause 9, powers of the Commissioner. If there is no further discussion, is clause 9 agreed?

---Agreed

Duties Of Supervisor

Clause 10, duties of supervisor of apprenticeship programs. The supervisor of apprenticeship programs shall (a) register all apprentices; (b) file all contracts of apprenticeship and keep a record of all cancellations, terminations, transfers and completions of such contracts; (c) provide courses of instruction for training within the scope of this ordinance; (d) provide for periodic trade tests for apprentices and final examinations for apprentices or candidates for certificates of qualification; (e) supervise the training of all apprentices; (f) inspect and approve facilities being used for the training of apprentices under this ordinance; (g) provide such information and make such investigation as is required by the board; (h) make such examination and inquiry as he considers necessary to ascertain whether this ordinance is being complied with; (i) generally perform such other duties as may be prescribed by the Commissioner for carrying out the provisions of this ordinance. Any discussion? Is it agreed?

---Agreed

Contracts Of Apprenticeships

Clause 11, contracts of apprenticeships, subclause (1). No person shall enter into a contract of apprenticeship except in accordance with this ordinance.

Subclause (2). No contract of apprenticeship shall be binding upon the parties thereto nor shall any termination, cancellation, transfer or completion of a contract be valid unless certified by the supervisor of apprenticeship programs.

Subclause (3). The supervisor of apprenticeship programs may refuse to certify a contract of apprenticeship or a termination, cancellation, transfer or completion thereof unless he is satisfied that it is for the benefit of the apprentice.

Subclause (4). Where the supervisor of apprenticeship programs refuses to certify a contract or termination, cancellation, transfer or completion thereof, either of the parties to the contract may appeal to the board who may confirm or reverse the decision of the supervisor of apprenticeship programs; and the decision of the board shall be final. Is there any discussion? Mr. Nickerson.

Motion To Amend Subclause 11(4)

MR. NICKERSON: Mr. Chairman, I move that subclause 11(4) specify the manner of appeal.

THE CHAIRMAN (Mr. Butters): We have a motion to amend on the floor and that is the intent, the wording of the amendment will not be prepared until we get agreement from the committee that we advise the Legal Advisor to go ahead and make such an amendment. Any discussion on the amendment? Mr. Nickerson.

MR. NICKERSON: I think what we are really trying to say here is that as far as the Government of the Northwest Territories is concerned, once a decision has been made by the board, it can not be appealed to the Commissioner, or something like that. Obviously a court will always find

a way to review a situation if there has been an obvious miscarriage of justice. So, I think what we should say here is that an appeal lies to such and such a court. This Legislature on many occasions has taken the position that they do not like this type of wording such as is said here "The decision of the board shall be final" because a court will always find a way to review these things should they wish. So, what I think is necessary is to say that the appeal lies from the board to a court, to make it abundantly clear that people can not appeal to the Commissioner or someone like that.

SOME HON. MEMBERS: Hear, hear!

THE CHAIRMAN (Mr. Butters): Thank you. Do Members follow Mr. Nickerson's reasoning to support his amendment? Are there any questions? Now, on the amendment all those in favour of the amendment, raise their hands. I am sorry, Hon. David Searle wishes to speak; I thought you were raising your hand.

HON. DAVID SEARLE: I would just like to say, Mr. Chairman, that in principle I support appeals to courts but there are certain occasions when boards, if there is a particular expertise required that a court obviously would not have then it is quite proper to give your appeal to the board and not thereafter. I just think that you have to apply your mind to each of these cases and decide whether or not you would really get better justice from a court than you would from a board that has a particular expertise. A court of course would review anything if the rules of natural justice were followed, if there was no hearing, if there was no proper notice, etc., but you should be careful to give to a court the right of review of something on the merits, if you know what I mean. In other words, it is one thing if the rules of natural justice which are essentially procedural have not been followed they are reviewed, but be careful to give to the courts a review on the merits, the merits of a decision if you are satisfied the court is in the position to review the merits. I am just wondering when it comes to tradesmen's qualifications if a court could really do justice to the tradesmen or to anybody. Are you not better to leave the normal administrative, maybe in this case, the normal administrative law principles of allowing the court to review it should there be a breach of natural justice, only, that is, the procedure which exists by virtue of the common law and need not be legislated. I just suggest you apply your mind to that.

Appeal To The Courts

Again, I agree generally that there should be appeal to the courts on the merits and procedure but maybe this is one of those things where when you get into tradesmen's qualifications. For instance, as a lawyer, I think of myself in the position of a judge and I wonder if I am the guy who could really say whether or not a tradesman, an electrician, had completed the proper course of study and should be, say, certified or should not. I do not know whether I could do justice. I would have to call on the very people I suppose who were being appealed from as to their advice as to what decision I should make. Now, that is the position of the courts, and are you really advancing the situation? I just suggest you think about it.

THE CHAIRMAN (Mr. Butters): Thank you. Mr. Nickerson has put the case for the amendment and Hon. David Searle has very ably indicated other areas which we should consider before voting on the amendment. Mr. Deputy Commissioner and then Mr. Lafferty.

DEPUTY COMMISSIONER PARKER: There is another precedent in our legislation for a board having the final decision, appealable only in the case of natural justice and that is the Workers' Compensation Board. I recall very well the time when that was debated, and it too was debated quite strongly but the decision of Council was in favour of a board having full and final powers because of the expertise held by the board members and because of the expeditious way in which the board could operate.

THE CHAIRMAN (Mr. Butters): Thank you very much, sir. Mr. Lafferty.

MR. LAFFERTY: After listening to the comments of Hon. David Searle and several others, I can see the danger in this as an ex-tradesman. Now, I have read it thoroughly and there is a board and if this board consists of tradesmen, then I would say it would be a good thing. On the grounds I supported Mr. Nickerson's motion to make the amendment, to hear the argument of it, for and against, and secondly, I thought that maybe there is -- I have yet to see any guarantee that most of the board members will be certified tradesmen. If there are guarantees that the majority of board members will be tradesmen, qualified tradesmen, then I would say that we should leave this as it is.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Any further discussion on the amendment of Mr. Nickerson?

Appeals On Points Of Law

MR. NICKERSON: Mr. Butters, or rather Mr. Chairman, I am very sorry and apologize profusely, the appeals I was thinking of would be appeals on points of law and on miscarriages of natural justice and these type of issues. I think when it comes to what Hon. David Searle suggested, such a case as to whether a certain course of study should or should not be sufficient for qualification, that type of appeal, it should be final with the board. I am concerned with a person who might have a case in that he thinks that his application had been turned down because of personal reasons, or something of that nature. This, of course, is a legal question and we all realize that where it says the decision of such and such a board or court shall be final, it does not really mean that at all. I wonder if we could avail ourselves, Mr. Chairman, of the advice of our Legal Advisor on this matter, to ascertain her opinion.

THE CHAIRMAN (Mr. Butters): Madam Legal Advisor.

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, I find that I am in agreement with Hon. David Searle, I agree with his remarks because I think it is always a question of whether a court can do a better job of making the decision you are looking for than the board that you appointed. In this case, it seems to me that the matters that the board is making a decision on -- well, if you look at subclause (3), that is, refusal to certify a contract for termination, cancellation, transfer or completion of a contract, I can not see very much law in that decision.

THE CHAIRMAN (Mr. Butters): Thank you very much. Hon. David Searle.

An Application Called Certiorari

HON. DAVID SEARLE: If I could deal with the example Mr. Nickerson picked, Mr. Chairman, of, say, personal bias, as bias is one of those principles of natural justice. If you can show bias on behalf of, say, in this case the supervisor, or anyone of the board, then you can take an application, and it is called a certiorari; it is an application to quash the decision that was taken that affected you, and you need only show bias, and that is one of the principles of natural justice that the court will accept. Without even putting that in there, that remedy exists in the common law, but what the courts will not look at and that is, if there is no bias, if all of the rules of natural justice have been followed, then the courts would not question the decision of the board on the merit. In other words, they would not look into whether they would have exercised their judgment differently.

That is a question you have to apply your mind to then, as to whether or not a court could exercise its judgment on the merits better than a board. That is why I had my question.

THE CHAIRMAN (Mr. Butters): I think we have had a good debate on the matter. I would like to resolve this before coffee but if Members wish to continue to discuss this, we can adjourn for coffee. I think that...

MR. NICKERSON: I think that with the assurance of the Legal Advisor that what Hon. David Searle says is in fact true, I would with the permission of this committee withdraw the motion.

THE CHAIRMAN (Mr. Butters): I think we can ask for a second opinion but I do not think we can...

HON. DAVID SEARLE: I am willing to accept her opinion. Even though I am a lawyer, she is our Legal Advisor.

LEGAL ADVISOR (Ms. Flieger): Fortunately I agree with Hon. David Searle.

THE CHAIRMAN (Mr. Butters): As I say, we have had both sides of the debate presented, Mr. Nickerson's requirement for an appeal and the opinion that there are sufficient safeguards existing in the legislation. Remember all those who vote in favour of Mr. Nickerson's...

Motion To Amend Subclause 11(4), Withdrawn

MR. NICKERSON: After having received that assurance from the Legal Advisor with the permission of the committee I withdraw the amendment.

THE CHAIRMAN (Mr. Butters): You do not need their permission. It is your amendment. Mr. Nickerson's amendment is withdrawn. Is clause 11 as it appears here agreed?

---Agreed

Now for some coffee. Agreed?

---Agreed

---SHORT RECESS

THE CHAIRMAN (Mr. Butters): Order. I recognize a quorum. This committee is considering clause 12 of the Apprentices and Tradesmen's Qualifications Ordinance. Clause 12, supervisor may require information, on the top of page six reads: The supervisor of apprenticeship programs may require from the parties to a proposed contract of apprenticeship such information as he considers necessary. Discussion? Clause 12, agreed?

---Agreed

Clause 13, every contract of apprenticeship ...

MR. NICKERSON: Mr. Chairman, I wonder if it is possible to set clause 13 aside until we have completed the ordinance because Mr. Witty has kindly consented to circulate contracts of apprenticeship to Members so that they can in fact look at them and study them. It will take a few minutes to run over to the office and bring them back here.

THE CHAIRMAN (Mr. Butters): Do Members feel they wish to set this aside until we have gone through the ordinance and you can see these documents? Do you have a requirement to see these documents?

---Agreed

Clause 13, form of contract is stood down to be referred to later.

Clause 14, (1) Subject to the approval of the supervisor of apprenticeship programs a contract may be terminated with the consent of all the parties thereto, and a contract may be cancelled by the supervisor of apprenticeship programs upon good cause being shown to his satisfaction by the employer or by the apprentice. (2) Either party to a contract of apprenticeship may appeal any decision of the supervisor of apprenticeship programs under subsection (1) to the board who may confirm or reverse the decision of the supervisor of apprenticeship programs and whose decision shall be final. Discussion? Is clause 14, termination and cancellation agreed?

---Agreed

Clause 15, An apprentice shall not be required to do any work in a place of employment where there is a lawful cessation of work arising out of a labour dispute. Clause 15, labour dispute agreed?

---Agreed

Clause 16, A person who acts in contravention of or who fails to comply with any provisions of the ordinance or the regulations, is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars, and in default of payment to imprisonment not exceeding thirty days. Discussion? Is clause 16, offence agreed?

---Agreed

Clause 17, The Commissioner may make grants and loans of money and provide goods or services to apprentices or to other persons employed in designated trades, upon such terms and conditions as the Commissioner may by regulation prescribe. Discussion? Is clause 17, grants and loans agreed?

---Agreed

Clause 18, this is a long one. The Commissioner may make regulations (a) prescribing the qualifications necessary for apprenticeship in any designated trade; (b) respecting the duration and content of the practical and theoretical training to be received by an apprentice in a designated

trade; (c) providing for the recognition of experience and training in a designated trade gained before becoming an apprentice; (d) prescribing the duties and obligations of parties to an apprenticeship contract; (e) providing for the appointment of examining boards and prescribing the duties and remuneration of members of those boards; (f) providing for the examination of apprentices, persons wishing to become apprentices and persons employed in designated trades, and establishing the standards for such examinations; (g) respecting the issuance of certificates of qualification, certificates of completion of apprenticeship and certificates of status; and prescribing the conditions for the issuance of such certificates; (h) providing for the issuance of identification cards and requiring the production of such cards under certain conditions; (i) respecting the recognition of certificates of qualification issued by any province of Canada; (j) prescribing, subject to the provisions of the Labour Standards Ordinance, the working conditions, hours of labour and rates of wages for apprentices; (k) providing for inspection of the training of apprentices and the powers and duties of the persons making inspections; (l) providing for a system for recording the progress of the training of apprentices; (m) respecting the terms and conditions for eligibility for grants and loans, the amount of such grants and loans and the manner of repayment of loans; (n) requiring payment of fees and prescribing the amount of fees to be paid in respect of any agreement, examination, search of records, certificate or any other service provided pursuant to this ordinance or the regulations; (o) respecting the ratio of apprentices to journeymen who may be employed by an employer in a designated trade; (p) generally for the carrying out of the purposes and to give effect to the provisions of this ordinance.

Discussion on any of those regulations? Clause 18, regulations, agreed?

---Agreed

Clause 19. Certificates of status, certificates of completion of apprenticeship and certificates of competence or proficiency issued under the Apprentice Training Ordinance, chapter A-3 of the Revised Ordinances 1974, and subsisting at the coming into force of this ordinance continue in force as though this ordinance had not been enacted.

Discussion? Clause 19, existing certificates agreed?

---Agreed

Clause 20. The Apprentice Training Ordinance, chapter A-3 of the Revised Ordinances 1974, is repealed. Clause 20, repeal agreed?

---Agreed

May we then return to clause 13, form of contract, that Mr. Nickerson asked to be stood down?

MR. NICKERSON: Mr. Chairman, it would appear to me that one of the most important aspects of this ordinance is the agreement by which the apprentice becomes indentured to his employer.

THE CHAIRMAN (Mr. Butters): May I interrupt? There was some suggestion that these agreements or copies of them would be circulated. I do not have mine. Mr. Minister.

HON. ARNOLD McCALLUM: We do not have them yet. We do have one copy and we are getting it xeroxed. When they fix the whatchamacallit, we will get those thingumabobs.

THE CHAIRMAN (Mr. Butters): I understand the copies are coming. Proceed, Mr. Nickerson.

Contract Terms Should Be In Ordinance

MR. NICKERSON: In view of the fact that this is such an important aspect, I think that we should not leave everything up to regulation. We have been criticized time and time again for delegating too much power to the Commissioner over things which we ourselves should really take responsibility for. As you will see when these contracts are circulated, there are certain basic terms in each contract regardless of what trade is being considered and it would appear to me that we can give both the employers and the apprentices the protection of the ordinance rather than be subject to administrative discretion on these particular matters as they would be under regulation.

I would suggest, Mr. Chairman, that it might be possible to review some of the standard terms in this contract and write them into the ordinance. At the same time we must, of course, realize that trades vary and some of the terms will have to be kept flexible, but I am thinking of the very basic rights and obligations, such as for instance, the obligation on the part of the employer to provide, to keep an apprentice employed so long as work is available to him and this type of thing. I think we will require a little legal advice on this matter to go through the various sections of the contract to find out which can be put in the ordinance. If this suggestion meets with the approval of the committee, I would suggest that the Legal Advisor be requested to go over this matter over the lunch hour, and bring it back to us this afternoon so that we can complete this ordinance today.

THE CHAIRMAN (Mr. Butters): I would just like to comment. I wish you had raised the point you are making now under clause 18 because, as I recorded it, the point you are making comes under paragraph 18(d), prescribing the duties and obligations of parties to apprenticeship contract. The Members of the committee have approved that section and I think to be in order I would have to get a motion to reopen that section.

MR. NICKERSON: No, Mr. Chairman.

LEGAL ADVISOR (Ms. Flieger): I think, Mr. Chairman, that clause 13 would be appropriate for the purpose that Mr. Nickerson has raised. I think, for example, that words could be added here saying "and every contract shall contain the following terms".

THE CHAIRMAN (Mr. Butters): Yes, that is acceptable. Proceed, Mr. Nickerson.

Motion To Amend Clause 13

MR. NICKERSON: I do not know whether you wish me to put this forward as a motion. I see copies of the contract have not been circulated, but in the interest of concluding all the business we have to do maybe, Mr. Chairman, I

would move that my suggestion be accepted.

THE CHAIRMAN (Mr. Butters): I have an amendment that Mr. Nickerson desires to have the conditions of the contract or the terms of the contract included in our legislation and not put into regulation. I would accept discussion on that amendment, and if that is approved, then I suggest that I report progress on this bill to the Speaker. Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, my suggestion would be that it would be slightly premature to vote on the amendment until we have seen the document that is going to be circulated, and with Mr. Nickerson's indulgence, I suggest we hold off the motion until we have seen it and that you should -- I see it is being circulated. In the meantime, if I could just discuss one other matter that appears after we have given clause by clause reading of the bill, that I would like to discuss. It is of a general nature but it is not apparent until after you have read the bill.

THE CHAIRMAN (Mr. Butters): Mr. Minister.

HON. ARNOLD McCALLUM: Mr. Chairman, I do not know whether to comment to the second point that may come up, or the first one, but I would say in terms of Mr. Nickerson's comment, or his proposal, I think we would have a concern that if there were to be changes made to any contract, if it is down in legislation, if the specifics are there, that would in fact mean that where a change in a contract with an apprentice was appropriate we would have to come back to this house to get that changed.

THE CHAIRMAN (Mr. Butters): That is correct. Mr. Minister.

HON. ARNOLD McCALLUM: If that were so, that would tie down or curtail, in some cases, a setting up of contracts for apprentices. I do not think that that would be in the best interests of the person or persons wanting to get apprenticeship training.

THE CHAIRMAN (Mr. Butters): Before I recognize Mr. Nickerson, Hon. David Searle, I will again give you the floor, sir. Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, now we have had these things circulated, we can look at things ourselves and then refer you to some of the clauses within this contract of apprenticeship.

THE CHAIRMAN (Mr. Butters): These are very complicated documents. There seem to be a lot of words on them, and do Members feel that they are ready to study them at this time?

Points Of Contract.

HON. ARNOLD McCALLUM: I would just like to draw your attention to the contract, that it is English, Mr. Chairman, not translated. The other two things I would like to draw to your attention are in the last two lines of the document, where it says "registered at the office of the director of Education" and in practice that means registered at the office of the chief of employment. The director of Education does not sign that, the chief of employment does. That is because apprenticeship training is in the Department of Economic Development, which of course is not with the Department of Education.

THE CHAIRMAN (Mr. Butters): Are Members of the committee prepared to enter into a discussion on this contract in toto, or all of it, right now? If they are, then I will allow Mr. Nickerson to proceed to refer to the contract and the provisions therein. Do I have agreement to proceed?

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Butters): Mr. Nickerson.

MR. NICKERSON: Yes, Mr. Chairman. You would perhaps notice that we have only circulated one page of a two page contract, but the things I am getting at are not concerning the registration at the office of the director of Education -- I think we must have separate forms for this type of thing -- but it is only the very basic provisions of the indenture.

Would you look at provision 1(b), for example, to be subject to and obey the regulations as made by the Commissioner, or (c) to render faithful services during the period of apprenticeship, (d) to show due regard for the tools and goods of the employer and avoid damage and waste of such tools and goods, and (e) to furnish to his employer satisfactory reasons for any absence from his employment. These, to me, Mr. Chairman ...

MR. LYALL: Mr. Chairman. You are going a little too fast, Mr. Nickerson.

THE CHAIRMAN (Mr. Butters): This is being interpreted. Yes. Could you read those points again, Mr. Nickerson?

Basic Changes Should Be Made By Legislature

MR. NICKERSON: I could, but what I was getting at is that there are some very basic provisions within this agreement, and they will not change from trade to trade. If you wanted to change some of these things, if, for instance, you wanted to change the provision that an apprentice be required to render faithful service during the period of his apprenticeship, that is a very major change, and obviously a change in the basic provisions such as this should be made by the Legislature and not under a discussion of the regulations.

So what I am suggesting is not to put the form as a schedule to the ordinance, nothing of that nature, but just to identify, out of the provisions contained herein -- maybe there are ten or 12 very basic terms and conditions which we can take out of here and prescribe within the ordinance. I do not think it would take too long to do this. I think it can be done very simply, and it would not affect any of the administration of the bill. You could in fact use the identical forms here, but it would just mean that if a really basic provision of the indenture was to be changed, then they would have to come to who I believe are the real, responsible people, the Legislature, in order to change it.

THE CHAIRMAN (Mr. Butters): By oversight, I notice that Assistant Commissioner Mullins might be with us, and I see he is in the house. Might I have the agreement of the committee to ask Assistant Commissioner Mullins to come forward? No? Are there any comments then, on the amendment or the suggestion that we include into the legislation the type of thing that was just outlined in Mr. Nickerson's previous remarks, or are we satisfied with them being in the regulations as the Minister has suggested?

HON. ARNOLD McCALLUM: Mr. Chairman, do I take it from Mr. Nickerson that he wants to place in legislation those parts of Part 1 that are the apprentice's responsibilities, such as the things he was reading out? Is that what he said?

THE CHAIRMAN (Mr. Butters): That was my understanding, sir.

MR. NICKERSON: Yes, sir, that is basically correct.

HON. ARNOLD McCALLUM: As well as Part 2, the responsibilities of the employer?

MR. NICKERSON: Of course, sir, and I just took the first few on the list which are part of the covenant that the apprentice enters into. Obviously you would want the part that the employer enters into also.

HON. ARNOLD McCALLUM: Would Mr. Nickerson want them taken from this, or would they also appear on the contract?

MR. NICKERSON: I would suggest there is no reason at all why they would not be on the contract. In fact, I think they would still have to be on the contract.

Apprentice's Obligations

HON. ARNOLD McCALLUM: That would be the apprentice's obligations, and it would be my opinion that since they are there now, the apprentice knows of them, he signs the contract. They are motherhood, apple pie and the flag, to look after things. He is subject to obey regulations. These are his responsibilities, the obligations. I do not really know, I do not understand the purpose for putting them there.

THE CHAIRMAN (Mr. Butters): Hon. David Searle.

HON. DAVID SEARLE: Well, Mr. Chairman, this discussion does spend a lot of time. It would be my feeling that if the Minister were prepared to assure this house that he would see that these sorts of terms and conditions would be substantially reflected in the regulations; in other words, those that are currently in use, possibly with the phraseology polished a bit, and being a lawyer I could see where one could do a little better in describing the duties and responsibilities, then I think that I for one would be happy to see it in the regulations. I am very familiar with this type of form because it is the sort of thing that we use in our profession for articling students, and I know it is prescribed in regulations there. It is not the type of thing that would likely be changed later, once it is prescribed, because, as you can see, it essentially sets out the prime duties and responsibilities, as the case may be. So really you could put it in the bill and not have too much difficulty, or you could have the assurance of Hon. Arnold McCallum and then regulate it in that form, and I am sure you would also not have any difficulty.

THE CHAIRMAN (Mr. Butters): Mr. Minister.

HON. ARNOLD McCALLUM: For the present, you have my assurance, but I guess you would have to ask Hon. Peter Ernerk's assurance as well, since he will be taking over this responsibility after December 1, I think the date was, but I am sure you would get that assurance from Hon. Peter Ernerk as well.

THE CHAIRMAN (Mr. Butters): Mr. Minister-to-be of Economic Development.

HON. DAVID SEARLE: Surely you need the assurance of the Executive, and I do not know if you have to go around the table.

THE CHAIRMAN (Mr. Butters): I hope not. Hon. Arnold McCallum is only a Member of the Executive. Mr. Deputy Commissioner, did you hear the request for assurances?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, yes, I did, and I am confident that those assurances can be given.

THE CHAIRMAN (Mr. Butters): With the confidence of the Deputy Commissioner and the agreement of the other Members of the committee, is that satisfactory, Mr. Nickerson, that we leave clause 13 as is?

MR. NICKERSON: No, sir, with all due respect to the Honourable Member from Yellowknife South, I do not think that this Legislature should be asking the assurances from certain people that certain things will be done. We should be legislating to see that certain things are done by certain people and the said Honourable Member is one of the Members who has consistently complained that this house is derelict in its responsibility in that it has been continuously leaving things up to regulations which we ourselves should have taken responsibility for, to see that they were done and done correctly.

I can see no reason why anybody would object to the basic provisions of an indenture being included in the ordinance. It is beyond me why there should be any objection whatsoever when it can be done so simply. That is my final word on it.

THE CHAIRMAN (Mr. Butters): Do any other Members wish to contribute to this discussion on Mr. Nickerson's amendment? If not, may I call the question?

SOME HON. MEMBERS: The question.

Motion To Amend Clause 13, Defeated

THE CHAIRMAN (Mr. Butters): The amendment, Mr. Nickerson's request that these provisions relative to the contract of apprenticeship be placed right in the body of the ordinance as it is provided under clause 13, and these conditions are contained in regulations or would be contained in regulations. All those in favour of Mr. Nickerson's amendment, would they please raise their hands? Against? The amendment is defeated.

---Defeated

Clause 13, form of contract. Is it agreed?

---Agreed

Clause 1, short title. Agreed?

---Agreed

Thank you. I have a note on my book saying Hon. David Searle wishes to speak.

HON. DAVID SEARLE: Well, after reading the whole of the bill, the only thing that I think is important to raise is to recall the committee's -- do not smile, Hon. Arnold McCallum. He thinks I am going to throw a monkey wrench into it -- to recall the committee's mind to the view which we took when we changed the word "Commissioner" to "Executive Member" in the Education Ordinance, and delegated directly to an Executive Member and then defined who that was, and we preambled the bill by saying "the Commissioner may exercise all the responsibilities of the Executive Member". I am sure you recall that exercise. Now, here we are passing this bill and delegating a tremendous amount of responsibility, as Mr. Nickerson quite properly pointed out, to the Commissioner, and I am wondering if this is not one of those ordinances which, like the Education Ordinance, could have an amendment that would travel throughout in the same way as we did with the Education Ordinance.

THE CHAIRMAN (Mr. Butters): Would that be classed as an amendment at this time, Hon. David Searle, or do you just wish to have discussion on the point?

HON. DAVID SEARLE: There seems to be some doubt as to which Executive Member you would name, I guess. That is the first problem I have. Hon. Arnold McCallum is presenting the bill which I thought was an education matter and then he is saying that it becomes an economic development matter so I guess the first question is, if the administration did that, which Executive Member would you name?

THE CHAIRMAN (Mr. Butters): Mr. Deputy Commissioner? Mr. Minister?
Executive Member Responsible.

HON. ARNOLD McCALLUM: Mr. Chairman, this particular in the administration has been in the Department of Economic Development for about a year and a half, close to two years. Previously it was in Education. Since there were only two people from this house on the Executive, it was one of the responsibilities in addition to education, because it was allied, that was given to me, was in dealing with apprenticeship training and manpower. Since we have a third member to be named to the Executive Committee and since it has been noted that there is to be a change among two other Members, now it will not obviously then be my responsibility or at least I would not think it would be. I would think it would quite properly come under the Executive Member who is responsible for economic development, who will be Hon. Peter Ernerk. I think that is the only reason. I would agree with what the Member from Yellowknife South has indicated.

THE CHAIRMAN (Mr. Butters): That is what I understood Hon. David Searle to say previously. Do you wish to comment further? Mr. Deputy Commissioner, the question Hon. David Searle originally raised has not been answered sufficiently, I think.

HON. ARNOLD McCALLUM: I just did.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I apologize then. I do not just know what the question is. If Hon. Arnold McCallum has not answered it...

HON. ARNOLD McCALLUM: Did I not?

HON. DAVID SEARLE: I think Hon. Arnold McCallum answered the one part of it which was which Executive Member would it be.

Delegation Of Authority

The second question which I guess is the broader one is, would Deputy Commissioner Parker particularly see any difficulty in our doing the same thing with respect to this bill as we did with respect to the Education Ordinance, which was to name that the Commissioner may exercise any of the powers granted him through the Executive Member? Then go through it and delegate the powers to the Executive Member and define him as the Executive Member for the Department of Economic Development and just alter that delegation, instead of doing what is done in this bill in the traditional way, delegating all authority to the Commissioner. In other words, since we have done it with the Education Ordinance, it seems to me that if that is a principle that we stand for, putting the responsibility on our elected Members who are part of the Executive, then, subject, of course, to direction from time to time from the Commissioner we should likely follow that same course of action here and simply ask for the necessary amendments.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, of course when this bill was drafted and brought forward we were not aware of the possibility -- I had better not say the possibility -- I had better not say the possibility, but the likelihood of a third Executive Member, nor was there a decision, of course, as to the portfolio that that Minister would take. Therefore, it would have been premature for us to have reflected those things in the bill. Now, having the benefit of that knowledge, I could see no difficulty in proceeding with this bill in the same fashion as we did in the Education Ordinance, that is, as Hon. David Searle has outlined, a delegation of responsibility from the Commissioner to the Executive Member.

THE CHAIRMAN (Mr. Butters): Thank you very much, sir. With that advice I wonder if I might ask the Legal Advisor if there would be a great many changes required to this ordinance to meet with the suggestion made by Hon. David Searle?

Changes Necessary

LEGAL ADVISOR (Ms. Flieger): Mr. Chairman, as I see it a definition would be inserted in clause 2 after paragraph (d) and the definition would describe "Executive Member" and to avoid the problem that has just been discussed on who is responsible for this particular matter, that is, which Executive Member, perhaps the definition could refer specifically to the Executive Member who is assigned the responsibility for the apprenticeship program, rather than the department.

Clause 3 could have a subclause added. What is presently clause 3 could become subclause (3) and then the words that were placed in the Education Ordinance could be added here I think and then the changes throughout to accommodate the words "Executive Member".

HON. DAVID SEARLE: May I suggest, Mr. Chairman, that you seek agreement in principle from the Members and then let us just leave it to Ms. Flieger for the time being to do that and then we can come back very quickly and briefly in committee maybe this afternoon and approve it and then it would be ready for third reading, rather than asking her to do the difficult, if not impossible, task of going through it now.

THE CHAIRMAN (Mr. Butters): I knew it was not a difficult or impossible task because she already informed me it could be done very quickly. I want to indicate to Members of the committee that only minor changes were required to the bill to achieve the suggestion you made, sir. Do I have agreement of Members of the committee that this bill be drafted so it coincides, compares and relates to the drafting of the Education Ordinance as Hon. David Searle has suggested?

---Agreed

May I then report progress to the Speaker to give our Legal Advisor time to make the necessary amendments to so do that?

--Agreed

Thank you.

MR. SPEAKER: Mr. Butters.

Report of the Committee of the Whole of Bill 5-60, Apprentices and Tradesmen's Qualifications Ordinance

MR. BUTTERS: Mr. Speaker, your committee has met to consider Bill 5-60 and I wish to report progress.

MR. SPEAKER: Deputy Commissioner Parker, do you have any preference for the remaining items? I might just say that there is one part of the amendments proposed to the Rules which is essential to enable us to do the January session. That part where there is a change from three to four weeks for the time as specified for the length of the winter session, but I am sure we will have time this afternoon if there is something pressing you would like to deal with.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the most important thing on the order paper from the standpoint of the administration is Recommendation to Council 1-60 because it too has a very great bearing on the action that will be taken in the calendar year 1977.

MR. SPEAKER: This house will resolve into committee of the whole for consideration of Recommendation to Council 1-60, Proposed Amendments to the Workers' Compensation Ordinance. How about a chairman, Mr. Butters? Do you want to take a breather? We will have Hon. Peter Ernerk in the chair.

MR. BUTTERS: I will sit in the chair.

MR. SPEAKER: Okay, with Mr. Butters in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Recommendation to Council 1-60, Proposed Amendments to the Workers' Compensation Ordinance with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER RECOMMENDATION TO COUNCIL 1-60, PROPOSED AMENDMENTS TO THE WORKERS' COMPENSATION ORDINANCE

THE CHAIRMAN (Mr. Butters): The committee will come to order to consider Recommendation to Council 1-60, Proposed Amendments to the Workers' Compensation Ordinance. It is in your little book. Am I correct in believing, Mr. Clerk, that translations have been made, complete translations have been made of this recommendation?

CLERK OF THE HOUSE: Yes, sir.

THE CHAIRMAN (Mr. Butters): Mr. Minister.

HON. ARNOLD McCALLUM: Mr. Chairman, could we have Assistant Commissioner Mullins come in for the debate?

THE CHAIRMAN (Mr. Butters): I wondered what his name tag was doing on the table.

HON. ARNOLD McCALLUM: We were just anticipating.

THE CHAIRMAN (Mr. Butters): Could we have Assistant Commissioner Mullins attend on us? Assistant Commissioner Mullins, would you wish to give us the background to the recommendation, any pertinent material which we will need in discussing the outcome of this paper?

Purpose Of Amendments

ASSISTANT COMMISSIONER MULLINS: Thank you, Mr. Chairman. The primary purpose of the amendments proposed in the bill to amend the Workers' Compensation Ordinance are to, one, increase the level of benefits to people who are in receipt of benefits because of industrial accidents, and two, most importantly in terms of the principles of the recommendation, to change

workers' compensation insurance with private insurance companies to a self-funded scheme within the Government of the Northwest Territories. As Members of the Assembly may be aware, the Government of the Northwest Territories is the last jurisdiction in Canada in which workers' compensation is insurance placed with the private sector. In all provinces of Canada and in the Yukon Territory, the provinces and the territory have their own insurance fund and the proposal here is to create that fund by an amendment to the Workers' Compensation Ordinance in the January session.

The major issue here and something I feel obliged to bring to the notice of Members is that existing insurance policies with private sector companies terminate on December 31st of this year. If a Workers' Compensation Ordinance is to be brought in force, it will have to be brought in force effective January 1st, 1977. Therefore, it is my understanding that serious difficulties would be attached to the Government of the Northwest Territories if this recommendation were to be agreed to and an ordinance could not be passed at the January session of the Assembly. I would like to close with those opening remarks, Mr. Chairman, and I am prepared to answer questions from Members.

THE CHAIRMAN (Mr. Butters): Thank you very much. By the way of procedure I will ask now for general comments or questions of Assistant Commissioner Mullins or the Deputy Commissioner and once we have completed those and Members' questions have been answered satisfactorily we will proceed to page two of the recommendations and go over each of the four recommendations contained on page two as a separate item for specific comment at that time. General comments or questions now? Mr. Nickerson.

Recommendations Favoured

MR. NICKERSON: This subject has been brought up in the Legislative Assembly on several occasions and I think previously Members have expressed themselves in favour of such a move. In fact, if I remember correctly, some three or four years ago an increase in the rates which were assessed by the Government of the Northwest Territories from one-fifth of one per cent to one-half of one per cent was made in order to start accumulating a fund which could be used for the purposes described herein. I talked to a large number of people in my constituency, both employees, small employers and large employers, as well as official representatives of the labour force such as union officials, and everyone to whom I have talked, with the possible exception of some of the insurance companies involved, are in favour of the recommendations we have before us today.

THE CHAIRMAN (Mr. Butters): Thank you, sir. Hon. David Searle.

HON. DAVID SEARLE: Do I understand, Mr. Chairman, Assistant Commissioner Mullins to say that we can pay greater benefits to injured employees and yet charge a rate under this government sponsored scheme for coverage to the employer which is not greater than that which is being paid by way of premiums to private insurers?

THE CHAIRMAN (Mr. Butters): Assistant Commissioner Mullins.

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, that understanding is correct. The Workers' Compensation Board has hired a firm of consultants, Crawford E. Laing Ltd., who have done an actuarial study of all of our existing claimants and the impact of rates on them, and have done an actuarial study as well on the future rates to be charged with respect to future risks. This study has come up with the recommendation to the Workers' Compensation Board that rates in 1976 should be charged, equal to 80 per cent of the rates charged by private insurers in 1975. So, the insurance company of Crawford E. Laing Ltd., have recommended that under the government funded scheme the rates to be charged to employers, in 1976 should be 80 per cent of the rates charged by private insurance to those same employers in 1975.

Proposed Rates

This report is the result of consultation between the Workers' Compensation Board and Giant Yellowknife Mines, Cominco, and the Steel Workers' Union. The two companies confirmed that on the basis of their own actuarial study which resulted in further dialogue with Crawford E. Laing Ltd., that rates for 1976 equal to 80 per cent of the rates charged by private insurers in 1975 are actuarially sound.

THE CHAIRMAN (Mr. Butters): Thank you very much. Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, the government is however proposing increased benefits and pensions once the scheme is established. Of course I want to make it clear that I am not opposed to increased benefits and pensions, but the increase in benefits and pensions generally, of course, requires them for there to be an increase in the levy on the employer. So, what I am wondering is comparing what has been paid by way of premiums, appreciating what the coverage will be by way of increased pensions and benefits for the future, will there be in fact a dollar increase to the employer?

ASSISTANT COMMISSIONER MULLINS: On the basis of the advice of the actuary the norm in provinces is to set a rate for a year and set a rate on the basis of the experience of that year and the previous years. The advice of Crawford E. Laing Ltd., is that we can successfully proceed through 1976 with the rates I mentioned in relationship to the benefit packages, the increased benefit packages to which we have referred. If there are any shortfalls during that year there will necessarily be a rate increase for the year 1978, but on the basis of the advice that is not anticipated. I should also indicate to Members that the Workers' Compensation Board will be reinsuring, through the private sector, against calamities or major risk so that there will be a form of stop loss protection against a very large industrial accident, but on the basis of the advice we now have the 80 per cent rate should suffice.

I might just apologize to Members in mixing up two years, I referred to 197 and 1976 and I should have been referring to 1976 and 1977.

HON. DAVID SEARLE: Mr. Chairman, would it be possible, and I am not suggesting we hold up discussion for this reason, but would it be possible to circulate the Crawford E. Laing report? I appreciate that you might not have it here but I am wondering if it could be circulated even after we get back.

THE CHAIRMAN (Mr. Butters): Might that be available to Members between now and the sixty-first session when, if this is approved, the legislation will be before us? Mr. Assistant Commissioner.

ASSISTANT COMMISSIONER MULLINS: Mr. Chairman, I am not sure whether or not there are specific references or figures in that report which the insurance industry would consider privileged information only or confidential. If that is not the case we can certainly circulate the whole report but we might have to extract one or two small sections if some of this information is privileged. But we could certainly supply the report.

THE CHAIRMAN (Mr. Butters): Any further comments of a general nature or questions? Assistant Commissioner Mullins.

ASSISTANT COMMISSIONER MULLINS: I would just like to make one additional point. Mr. Nickerson referred earlier to a collection of one-half of one per cent which is now collected by the Government of the Northwest Territories. Now, one-half of one per cent refers to the percentage of the premiums that are collected by the territorial government for the purposes of administering the workers' compensation program. At the moment the collections on the basis of one-half of one per cent exceed the costs of the workers' compensation staff in the Department of Public Services. Because there will be required a slightly higher administrative cost for the purpose of collecting premiums and administering it in addition to just monitoring it and establishing benefits, we will be increasing the administrative charge from one-half of one per cent to one per cent of the premiums collected. So, the net benefit on employers will be a premium and service charge equivalent to 80.5 per cent of 1976 costs.

THE CHAIRMAN (Mr. Butters): Thank you, sir. If there are no other general comments might we proceed to page two and examine in detail each of the four recommendations in order. Do I have agreement?

---Agreed

Recommendations Discussed

On page two, the first recommendation "to increase the benefits payable under the Workers' Compensation Ordinance, as outlined briefly in Schedule A attached hereto, in respect of future accidents". I think these were pretty well summarized by yourself, Assistant Commissioner Mullins.

ASSISTANT COMMISSIONER MULLINS: Yes, that is correct.

THE CHAIRMAN (Mr. Butters): Any comments on increasing the benefits? Is it agreed?

---Agreed

Two, "to increase the benefits currently payable to injured workers and their dependents in respect of past accidents in order to mitigate the effect of increases in the cost of living since the date of the award, as outlined in Schedule B."

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Mr. Butters): Is it agreed? Mr. Pudluk.

MR. PUDLUK: I have a general question, is the federal government and the territorial ordinance different? Is there a difference between the territorial and federal government?

THE CHAIRMAN (Mr. Butters): If you would explain if there would be any federal involvement or would there be any federal legislation affecting this.

ASSISTANT COMMISSIONER MULLINS: If I understand the question correctly the legislation refers to the private sector.

THE CHAIRMAN (Mr. Butters): I think Mr. Pudluk was asking whether the federal government would have any administrative responsibility here or is this solely territorial.

ASSISTANT COMMISSIONER MULLINS: I am sorry, this is solely territorial.

MR. PUDLUK: Thank you very much because I am federal myself.

Benefits Geared To Purchasing Power

THE CHAIRMAN (Mr. Butters); One other thing, the second recommendation is really a retroactive clause so that anyone presently receiving benefits would have those benefits increased, is that correct? Mr. Nickerson.

MR. NICKERSON: One question on Schedule B. I presume that were Schedule B to come into effect everybody having the same kind of disability would now be paid at the same rate regardless of the date when they had that, had the initial accident.

SISTANT COMMISSIONER MULLINS: Mr. Chairman, it would be within a few percentage points, that is correct. These numbers are rounded and the awards were made at different times in a discretionary manner. The idea to increase the purchasing power in 1977, to approximately the same amount that the award represented at the time the award was made. In other words, in establishing benefits there are a number of factors which are taken into account, not just so many dollars for the loss of an eye or so many dollars for the loss of partial hearing, but the benefits are definitely in relation to a number of other factors, and the intent of this amendment here is to restore the purchasing power in 1977 to the same level as the purchasing power the award was at the time the award was made.

DEPUTY CHAIRMAN (Mr. Butters): Thank you very much. Recommendation three, to increase the maximum earnings on which assessments and benefits are calculated for the purpose of the ordinance to \$14,500,000 for 1977 and such increased amounts for calendar years after 1977, as shall be recommended by the board and approved by Council based on the level of average earnings in the territories at the time of the amendment, and..."

DEPUTY COMMISSIONER PARKER: Fourteen million dollars?

DEPUTY CHAIRMAN (Mr. Butters): I am sorry, \$14,500.

THE HON. MEMBERS: Agreed.

DEPUTY CHAIRMAN (Mr. Butters): Is it agreed?

-Agreed

to assume that "Council" refers there to the Legislative Assembly. "...To set out the details of the collective liability system by which the board will levy assessments on employers of all workers in the territories which will generate funds in the workers' compensation fund sufficient to provide the capitalized cost of all future benefits to workers in respect of all compensable accidents and industrial diseases which arise in each calendar year."

THE HON. MEMBERS: Agreed.

DEPUTY CHAIRMAN (Mr. Butters): Agreed.

-Agreed

Now, we have a motion which has been circulated and I wonder if the mover of the motion would identify himself and indicate the reason for the motion before us.

MR. NICKERSON: The secret mover is right here.

DEPUTY CHAIRMAN (Mr. Butters): It did not take much to figure that out.

MR. NICKERSON: While we are on this subject, Mr. Chairman, I notice that these recommendations there was no reference to what amounts to the status quo, in respect to self-insurance by very large employers. It is my understanding that that is common practice in a number if not most of the other provinces. I would just like to bring it to the attention of the administration when they are dealing with this and making further amendments to Workers' Compensation Ordinance.

THE CHAIRMAN (Mr. Butters): I wonder if you would read your motion into the record?

Motion To Include Provision For Self-Insurance

MR. NICKERSON: The motion reads as follows: "I move that consideration be given by the administration, when developing amendments to the Workers' Compensation Ordinance to include provision for self-insurance for employers having an annual payroll in excess of ten million dollars per year." I would point out that this was put in mainly for the benefit of ourselves, for the territorial government which I believe runs its own self-insurance scheme.

THE CHAIRMAN (Mr. Butters): Thank you, Mr. Nickerson. Assistant Commissioner Mullins?

ASSISTANT COMMISSIONER MULLINS: The administration would be pleased to investigate the intent of this motion in bringing forward the amendment to the Workers' Compensation Ordinance before the January session. One of the issues that we will have to very seriously consider is the impact of an exclusion such as this on the actuarial base, whether we in fact would have, if we lost one or two major employers, a sufficiently broad base to be able to run an actuarially sound program, but we would be pleased to investigate this alternative for you.

Motion Carried

THE CHAIRMAN (Mr. Butters): Since the administration has assured us they would be willing to give consideration to the motion, would all those Members in favour of the motion please signify? Down. Against? The motion is carried.

---Carried

Is there any further business or may I report the recommendation to the Speaker? Mr. Deputy Commissioner.

DEPUTY COMMISSIONER PARKER: Mr. Chairman, I just wanted to underline something that Assistant Commissioner Mullins said at the commencement of the discussion, and that is to impress upon Members that with the acceptance of this recommendation we must have then the support of Council at the next session when the bill is brought forward because we will be taking steps to set up our own scheme from which we can not turn away in the calendar year 1977 without embarrassment to the administration, the Legislative Assembly and employers, so I am really stating that in the acceptance of this recommendation, subject to modification and amendment of the bill when it finally does come in, the sense of it will have to be along this line and that you are committing yourselves to that course of action.

THE CHAIRMAN (Mr. Butters): Thank you for reinforcing the initial position. I see both of them. Thank you for reinforcing the position initially outlined by Assistant Commissioner Mullins when he opened this discussion. Hon. David Searle, and then Mr. Nickerson.

HON. DAVID SEARLE: I think the point Deputy Commissioner Parker made is a very good one, because you will probably find the insurer, and I think there is only one essentially, Prudential Life Insurance Co. of America. Once we have done this, will virtually withdraw from the field effective in the new year, so if we go to the time and trouble and expense as outlined by Deputy Commissioner Parker and then this house does not pass the amendment, you are liable to find yourself personally without a government fund, and secondly without an insurer who will have wound down his operations, and hence the public without Workers' Compensation coverage which would be of course a dreadful situation.

MR. NICKERSON: Mr. Chairman, I am very pleased to see that the administration has taken this approach to the legislation. I think it makes things a lot easier for everybody concerned if legislation is introduced into the house with the general consent of a majority of Members. When it is brought in, as was, for instance, the hotel tax scheme, when people were unanimously opposed to it, it does not look very good and is not very good for us, for the administration and for the general public. The legislation committee on many occasions have suggested that bills of importance be presented initially to the Legislative Assembly in the form of a recommendation. We are very pleased to see this is now being followed.

I would like to agree very much with the Deputy Commissioner in that Members of the Legislative Assembly, after having taken this decision today, should now feel themselves under some obligation to support the legislation that is developed as a result of what are now our recommendations. I think that Members have to keep this in mind, that they are under this obligation, although they can obviously try to amend any ordinances developed. We would not want another education fiasco.

THE CHAIRMAN (Mr. Butters): Thank you, sir. May I report the recommendation to the Speaker and the motion?

---Agreed

Thank you, Assistant Commissioner Mullins, for sitting with us and assisting us in our deliberations.

ASSISTANT COMMISSIONER MULLINS: Thank you, Mr. Chairman.

MR. SPEAKER: Mr. Butters.

Report of the Committee of the Whole of Recommendation to Council 1-60, Proposed Amendments to the Workers' Compensation Ordinance

MR. BUTTERS: Mr. Speaker, your committee has met to consider Recommendation to Council 1-60 regarding the Workers' Compensation Ordinance and has supported without opposition the intent of the four recommendations contained on page two of that paper. I have a motion that was made by the committee which I will read: "I move that consideration be given by the administration, when developing amendments to the Workers' Compensation Ordinance to include provision for self-insurance for employers having an annual payroll in excess of ten million dollars per year".

MR. SPEAKER: Deputy Commissioner Parker, what is the wish of the Executive with respect to the next matter?

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I believe that the item that you mentioned earlier, the Rules, would loom large on the agenda.

MR. SPEAKER: Motion 22-60, Amendments to the Rules of the Assembly. This house will resolve into committee of the whole for consideration of Motion 22-60, the Rules amendments, with Mr. Butters in the chair.

--- Legislative Assembly resolved into Committee of the Whole for consideration of Motion 22-60, Amendments to the Rules of the Assembly with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER MOTION 22-60, AMENDMENTS TO THE RULES OF THE ASSEMBLY

THE CHAIRMAN (Mr. Butters): Your committee will come to order. We are meeting in committee of the whole to examine the five suggested amendments of the Rules committee for inclusion in our existing Rules of the Legislative Assembly. I wonder if the chairman of the Rules committee, Hon. Arnold McCallum, would introduce the five amendments.

HON. ARNOLD McCALLUM: Yes, Mr. Chairman. Mr. Chairman, your rules committee met to discuss amendments to the Rules and regulations of this house. There were five amendments proposed. They have the unanimous consent of the Members of the committee, and I think that of the five the first one deals primarily with the length of the sessions. As Members know and appreciate, the business that this house has to consider requires more and more time in session. Under the existing Rules the first session held in January has at present three weeks duration. As we have experienced this is basically a session dealing with appropriations and some legislation. It has been felt that the three weeks devoted to the first session does not allow for the amount of work that Members are expected to do. Not only do they have the appropriations, but they also have, because of the direction of this house, a great number of pieces of legislation brought before us. This is in response, as I indicated, to the direction of the Legislative Assembly. The second part of the first amendment deals with the second session. It is now two weeks and it is held later on in the spring or early summer. The second amendment, Mr. Chairman...

Amendment To Alter Present Sittings

THE CHAIRMAN (Mr. Butters): I was going to suggest maybe we should stick to one at a time. We will just leave it with the explanation you have given on the first amendment, and possibly Members may wish to comment on what you have said to date. The amendment is altering the present sittings, the appropriation sitting, by one week, and the legislation sitting in the summer by one week. Any comments? Have these amendments been translated into syllabics?

HON. PETER ERNERK: No.

HON. ARNOLD McCALLUM: They are not, Hon. Peter Ernerk?

HON. PETER ERNERK: No. Mr. Chairman, it is my understanding that they have not been translated into Inuktitut.

THE CHAIRMAN (Mr. Butters): What is the direction of the committee? Should I read them as before, or do Members wish -- Hon. David Searle.

HON. DAVID SEARLE: Mr. Chairman, the Rules of this house have never been translated, as we know, into syllabics, and the reason they have not is because of the very procedural and technical nature of them which would make it extremely difficult, if not even impossible, to do it. As you know, instead we have followed the philosophy of the Speaker and chairman explaining them wherever possible, carefully, and in hopes that through their use and continued explanation Members would become familiar with them. The reading of them in itself is not really definitive. It is how they are used that is the thing, so my suggestion would be that you, instead of initiating a virtually impossible task, that instead you read them and if there is still a need for explanation, then committee Members who are sponsoring this could certainly do so. I would be prepared to help to explain them.

HON. PETER ERNERK: Excuse me, I apologize for my earlier comments, Mr. Chairman. We have just been notified or advised that these have been translated as a matter of fact into Inuktitut syllabics.

THE CHAIRMAN (Mr. Butters): The general intent of each Rule is in the Members possession. Thank you very much then.

HON. ARNOLD McCALLUM: Mr. Chairman, I should make a correction to an earlier statement made that there were five changes in the proposed amendments. There are in fact six.

Proposed First Amendment, Agreed

THE CHAIRMAN (Mr. Butters): Thank you. Discussion on the proposed amendment to lengthen by one week each the winter and summer sittings? Agreed?

---Agreed

May we go to amendment two? Mr. Minister, would you introduce amendment two?

HON. ARNOLD McCALLUM: Mr. Chairman, this is an amendment to Subrule 24(2) dealing with the restrictions on the activities of strangers which now exists by custom and agreement of the Members. This amendment will deal specifically with the use of television and/or sound equipment to record the proceeding of the Legislative Assembly unless specifically permitted by the Speaker, and also deals with the bringing in to the chamber at any time food or beverages. It has been noted in the past that there has been abuse of the privileges that this house has given strangers and this amendment to Subrule 24(2) would be more stringent.

Proposed Amendment Two, Agreed

THE CHAIRMAN (Mr. Butters): Thank you, sir. Are there any other comments on the suggested amendments to Rules? Is it agreed?

---Agreed

Mr. Minister, amendment three.

Reintroduction Of Motions

HON. ARNOLD McCALLUM: Mr. Chairman, this is an amendment to Rule 51 which, at the present time indicates that a motion once made and carried, either in the affirmative or negative, can not be put again the same session and the intent of the amendment is that because of the amount of work that we have, that we want to change "the same session" to "the same calendar year". It is the opinion of the committee that once one gets a negative or an affirmative vote, and I suggest that in terms of a negative vote as it may have more cause for concern here, that one can not then, or an individual Member can not keep bringing to this house, in each of the sessions, their pet peeves. It is not against the freedom of a Member to speak, but it is I think a little bit much to expect that all Members should be saddled with the same kind of motion time after time after time. So, what we are suggesting here is to change the words in the present Rule 51 that say "the same session" to now say "the same calendar year".

THE CHAIRMAN (Mr. Butters): I just wondered, I just noticed the word "carried" and can you carry a motion in the negative?

HON. ARNOLD McCALLUM: That is the wording I guess that is followed, and I would have to ask of the legal people if that is correct.

THE CHAIRMAN (Mr. Butters): Madam Legal Advisor?

LEGAL ADVISOR (Ms. Fliieger): I do not think "carried" is the appropriate word for a defeated motion. It would be a negative vote.

HON. ARNOLD McCALLUM: I understand that in one of the authorities on parliamentary rules and regulations, Beauchesne's, that is pretty well a word-for-word quote.

THE CHAIRMAN (Mr. Butters): Any further discussion on the amendment? Mr. Pearson.

MR. PEARSON: This is an amendment to muzzle, as far as I am concerned. It prohibits Members from performing their duties as they see them and it is designed specifically against me.

HON. ARNOLD McCALLUM: That is not so, Mr. Chairman. We are not trying to muzzle the Honourable Member from Baffin, we could not.

THE CHAIRMAN (Mr. Butters): You just muzzled him. Mr. Pearson, the floor is yours.

MR. PEARSON: They are all laughing at me, I can just see them all sitting there. You are trying to prevent me from doing my work.

HON. ARNOLD McCALLUM: Heaven forbid!

Attempt To Muzzle Members

MR. PEARSON: You are trying to prevent me from bringing to this Assembly wisdom from the East and I certainly do not support this amendment. I think it is a disgrace. I think it is an infringement upon human rights and I shall talk to my friend Mr. Diefenbaker about this the next time I see him. This is a bad move to try and muzzle Members who are carrying out the wishes of their constituents.

THE CHAIRMAN (Mr. Butters): Are you finished, sir?

MR. PEARSON: For the moment.

THE CHAIRMAN (Mr. Butters): Mr. Whitford.

MR. WHITFORD: I agree with Mr. Pearson, I think it is an attempt on the part of the administration to muzzle the Members. I think a couple of days ago we had the same problem and it was a matter of rewording it to be able to bring it back into the Assembly to illustrate the importance that was shed upon the issue that I was trying to portray.

MR. PEARSON: Hear, hear!

MR. WHITFORD: I certainly would not support this motion.

HON. ARNOLD McCALLUM: I just wanted to interject. It may have been a Freudian slip on the part of the Member from Great Slave Lake but the administration did not propose these amendments, it was a committee of this Assembly.

MR. WHITFORD: Then I would refer to the committee, Mr. Chairman.

MR. PEARSON: You are right.

THE CHAIRMAN (Mr. Butters): I would advise the Members of the committee of the whole that as the Members have spoken and have just stated this is an important matter and I would hope to get comments about it from every Member. Is there any further discussion? Hon. David Searle.

HON. DAVID SEARLE: Well gentlemen, it is really a question is it not of whether or not the person should be able to brutalize the rest of the Legislative Assembly three times a year with the same motion for four years of his term, or whether, if you were simply permitted to put this same motion once a year for each of four years, that that would not be a sufficient test of that particular question. Now, should you have to be prepared to run the risk of having a matter debated 12 times in a four year term, once in each of three sessions for four years, or is it sufficient to permit the Member to raise it, quite apart from budget and other considerations but to raise it directly by way of motion on four different occasions? The committee felt that they would like to hear on any particular subject once a year and that was the basis. We did not feel that we needed to hear about it 12 times.

THE CHAIRMAN (Mr. Butters): Further discussion? Mr. Steen.

Every Second Session Suggested

MR. STEEN: One thing that concerns me about this motion a wee bit is that if you came to the Assembly with your constituency's intent for you to put forward a motion and you put it forth but did not speak well enough to it and it was defeated and then you went back to the community and they said "What the heck is the matter with you? Why did you not say these other things to it?" I think in that sense, with direction from the constituency to the Member, after he has explained to his constituency that he did not probably say it in the right way, he should be given a chance to come back again at the next session and I think one whole year is a wee bit much. So, I suggest every second session and cut it down a bit but less than one year.

THE CHAIRMAN (Mr. Butters): Any further discussion? Mr. Pudluk.

MR. PUDLUK: I agree with Mr. Steen. I would say leave it six months as I think that would be better than one year.

THE CHAIRMAN (Mr. Butters): Any further discussion?

SOME HON. MEMBERS: Question.

Not An Attempt To Stop Motions

HON. ARNOLD McCALLUM: Mr. Chairman, I think one of the things that we should bear in mind is that our sessions are getting longer, they may eventually become much longer than what we simply agree to here. In certain jurisdictions sessions last for a considerable period and go nearly a year. Now, I am not suggesting that that will happen here within our particular lifetime, the lifetime of this Assembly, but I think here it is not that we are attempting to stop somebody from putting forth a point, or putting forth a cause. Surely when one has used the power he has of articulation, one uses the advice that he gets from his constituents and that motion is lost, the committee is not trying to stop the motion from coming back to the Assembly, but we are saying that maybe eight to 12 times is not only a bit much but it is too much. Certainly we would welcome as I am sure all Members of this Assembly would welcome wisdom from the East, we know of the very good articulation of the Member from South Baffin is able to give and present and we are quite often persuaded by his discourse and sense, sensitivity...

MR. PEARSON: Intelligence.

HON. ARNOLD McCALLUM: I do not think that should be taken in the wrong vein, I do not think we are attempting to muzzle anybody or stop those of us who are not as articulate as some others.

THE CHAIRMAN (Mr. Butters): Any further discussion? I do not wish to cut off this debate or muzzle this debate, Mr. Pearson.

MR. LAFFERTY: I was just waiting to let our friend from Baffin finish but anyway, there are certain things that concern me, not personally, as I do not care if the amendment is defeated or passed and if you never did come back to it in the life of the house, but there are things that do disturb me. For instance, there are many of us here who do not understand or comprehend what is really taking place, simply because we do differ greatly in values, we do have different practices of rules and procedures in our communities in which we are raised and born and I think that in such instances as this we have to consider that very carefully unless it can be used as a means of argument or argument in issue.

I think that, in view of what I said, making a Rule which would be so tight so that any Member who might not understand some of the Rules, or misunderstands some of the Rules, finds that he is unable to pass or explain his intent and finds that he can not come back may result in an Assembly divided by groups. I am not saying political or philosophical groups but rather along cultural and ethnic lines and I would not like to see that. I think, in this instance, we should stop and think and look at the diversity of the people who sit in this house and forget whatever other practices other houses may have. In that regard I would definitely not support this amendment.

THE CHAIRMAN (Mr. Butters): Thank you very much. Is there any further discussion? If there is no further discussion, are you ready for the question?

SOME HON. MEMBERS: Question.

Proposed Amendment To Rule 51, Defeated

THE CHAIRMAN (Mr. Butters), All those in favour of the amendment to rule 51, would they raise their hands please? Against? The amendment is defeated.

---Defeated

---Applause

MR. PEARSON: A great victory has been achieved in the house.

HON. ARNOLD McCALLUM: For the East.

HON. DAVID SEARLE: Let us have your polar bear motion next.

THE CHAIRMAN (Mr. Butters): Whatever decision is made the house always wins. Now, could you introduce amendment four, please?

Time Limit On Speaking

HON. ARNOLD McCALLUM: Mr. Chairman, this is an amendment to Rule 69 which provides for a more efficient use of the time available in committee of the whole. The present Rule indicates that the Rules that shall be observed in committee of the whole limit the number of times, or do not limit the number of times of speaking, but Members may not speak more than once on the matter under discussion until all Members have an opportunity to speak. What we are proposing under the amendment would be that the Rules shall be observed in committee of the whole in so far as they are applicable and subject to the four Subrules, that speaking in committee of the whole must be relevant to the subject or clause under discussion, that no Member shall speak for more than ten minutes at any one time, the requirement for seconding of motions shall not apply and, subject to the discretion of the chairman of the committee of the whole a Member may speak more than once to any matter that would be under discussion but not until every Member wishing to speak has spoken. It is not an attempt to stop anybody from speaking as many times as they want on any subject, but if a Member in committee of the whole speaks, we are attempting to limit it to ten minutes at one time. According to the clockings, not very many people go ten minutes.

THE CHAIRMAN (Mr. Butters): Thank you. Discussion?

SOME HON. MEMBERS: Question.

Proposed Amendment To Rule 69, Agreed

THE CHAIRMAN (Mr. Butters): Question. All Members in favour of the amendment? Thank you. Down. Contrary, if any? The amendment, four, is agreed.

---Agreed

Proposed Amendment To Rule 73, Agreed

HON. ARNOLD McCALLUM: The fifth amendment is an amendment to Rule 73. The present Rule 73 says that the chairman of the committee of the whole, where there is a tie vote, may cast the deciding vote. We are proposing that the word "may" be changed to "shall". In other words, the chairman of the committee of the whole would then be obliged to cast the deciding vote where there was a tie in committee of the whole.

THE CHAIRMAN (Mr. Butters): Question? Discussion? Are Members agreed?

---Agreed

Proposed amendment six, Mr. Minister.

Proposed Amendment To Substitute "Legislative Assembly", Agreed

HON. ARNOLD McCALLUM: Mr. Chairman, the sixth amendment would be, for the word "Council" where it applies in the Rules, we would want to substitute the term "Legislative Assembly".

THE CHAIRMAN (Mr. Butters): Agreed?

---Agreed

May I report the amendments that have been approved to Mr. Speaker?

---Agreed

Motion 22-60 Adopted Subject To Defeat Of One Amendment

I have been instructed in the proper procedure. I will now call the attention of the committee to Motion 22-60, to approve amendment to the Rules. This committee then approves proposed amendments one, two, four, five and six. Do I have approval for those five?

---Agreed

Thank you. I will report that the motion has been adopted subject to the defeat of the one aspect.

MR. SPEAKER: Mr. Butters?

Report of the Committee of the Whole of Motion 22-60, Amendments to the Rules of the Assembly

MR. BUTTERS: Mr. Speaker, I wish to inform you that your committee has met to consider in committee of the whole Motion 22-60, and five of the amendments proposed in that motion were approved by the committee. Amendment one, amendment two, amendment four, amendment five and amendment six, to the Rules of Council, sir -- to the Rules of the Legislative Assembly, sir.

MR. SPEAKER: Very well. Gentlemen, I am pleased to report to you that Deputy Commissioner Parker has indicated that aircraft G-1 is ready to take those of us west who go that way, and I think the MU-2 may be going east. Those aircraft are here and waiting, and that being so, may I, with the power you have given to me, suggest that we break for lunch, and instead of coming back at 2:30 o'clock p.m., come back at 2:00 o'clock p.m., and bearing that in mind, and the weather being what it is, if we can get through the remaining items, which are not very long, in an hour or two, it looks like we could sort of tentatively forecast a departure here by about 3:30 o'clock p.m., or 4:00 o'clock p.m. Does anyone see anything wrong with that kind of logic?

---Agreed

We could then in the break call our homes and indicate, I suppose, to our wives that we might be home for supper sort of thing. That is what I am suggesting.

MR. PEARSON: That sounds good.

MR. SPEAKER: Does that sound all right?

---Agreed

MR. NICKERSON: In view of the fact that the Legislative Assembly will probably adjourn this afternoon, I wonder if it would be possible for me to make a brief announcement? I wonder if the Members of the standing committee on legislation could meet here over a period not exceeding five minutes after recess? The business of this meeting will just be to set the time and place of the next meeting and select a new chairman and other very minor points of business.

MR. SPEAKER: Hon. Peter Ernerk.

HON. PETER ERNERK: Mr. Speaker, on a point of privilege. I have something for each Member later on this afternoon before we leave and go back to our homes, something for each one of you to take back, and I want to take one of them myself. It is those little surprises which will be on behalf of the people of Rankin Inlet, so I hope you will have time for that little ceremony as well.

MR. SPEAKER: I am sure we would be more than pleased to make time for that, depending of course on where we are. Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, after the adjournment of this session I would like to get the finance committee Members for no more than five minutes to determine when our next finance meeting is to be held. It should be in November. That would give Assistant Commissioner Mullins time to give us an approximate date on which we can agree.

MR. SPEAKER: Yes, Mr. Butters, you wish to say the same on behalf of...

MR. BUTTERS: No. I was going to say the finance committee could meet and have lunch together and decide then.

MR. LAFFERTY: Sure.

MR. SPEAKER: We are all having lunch at the same place, so why do we not do that? Mr. Pearson?

MR. PEARSON: Mr. Speaker, I would also like to get my two cents' worth in to meet with Members who have offered their services re the summit meeting. Perhaps we could meet very briefly this afternoon. Perhaps we could join for a couple of minutes after lunch.

MR. SPEAKER: You now have 58 minutes for lunch. Could we agree to adjourn for lunch?

---Agreed

The house stands recessed for lunch.

---LUNCHEON ADJOURNMENT

MR. SPEAKER: Members of the Legislature, I recognize a quorum. Turning to the orders of the day, this house will resolve into committee of the whole to consider Tabled Document 2-60, An Integrated Housing Policy for the Northwest Territories. I believe, Mr. Butters, you wanted to speak to this, did you not?

MR. BUTTERS: Yes, Mr. Speaker.

MR. SPEAKER: Hon. Peter Ernerk, would you take the chair?

HON. PETER ERNERK: Yes, Mr. Speaker.

--- Legislative Assembly resolved into Committee of the Whole for consideration of Tabled Document 2-60, An Integrated Housing Policy For The Northwest Territories, with the Hon. Peter Ernerk in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER TABLED DOCUMENT 2-60, AN INTEGRATED HOUSING POLICY FOR THE NORTHWEST TERRITORIES

THE CHAIRMAN (Hon. Peter Ernerk): The committee will come to order. You have before you a Tabled Document 2-60, An Integrated Housing Policy for the Northwest Territories, approved August 26, 1976, by the board of directors, Northwest Territories Housing Corporation. Could we have some comments on this, and perhaps, Deputy Commissioner Parker, being chairman of the Housing Corporation of the Northwest Territories, you might want to comment?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, at the last session of the Legislature the Members asked that the housing programs be put together and brought before this house so that they could be examined, and that was to be in the form of an integrated housing program, a program that covered all aspects of housing in the North. The staff of the Housing Corporation prepared this document and it was discussed at the last meeting of the board of directors. The board of directors approved the document for submission to Council. In bringing the document forward at this time, it was our intention that it be tabled and that the period between now and the January session would then be available for Members to study the document and we would expect, at the January session, to have a full discussion. We are not prepared to have a full discussion today because we have not had the managing director of the Housing Corporation, Mr. Dietze, come to this session. The reason that the document was brought forward at this time was to allow the greatest possible time for Council Members and the public, if there is a desire, to look at the document.

By tabling it in Council this permits an open discussion of it. The members of the board of directors of the Housing Corporation will be glad to look at it or discuss it, and I am sure there will be recommendations made and recommendations for amendments to the board's program. Therefore at this time I would rather hope that we do not get into a detailed discussion because this was not the intention in bringing the document forward.

THE CHAIRMAN (Hon. Peter Ernerk): Thank you. Any further speakers? Mr. Butters, you wanted to speak on this.

Concerning Tabled Documents

MR. BUTTERS: I appreciate the position put by the Deputy Commissioner, and I realize that there is insufficient time to discuss this document at the sixtieth session, but I do feel that too often documents are tabled and almost discarded with their tabling, and it appears that they are tabled and that is good enough, the Assembly has examined them.

I am concerned regarding the provision of adequate housing in the Northwest Territories because four years ago I served in a previous Council as chairman of the Northwest Territories Council Task Force on Housing, a task force which made a number of recommendations, unanimously endorsed by the Members of that house, recommendations which would turn around this present movement towards social welfare type housing, where people lived in a house that does not belong to them. The major theme of that task force was that people want to live in their own homes, they do not want to be chained like a dog in a box, and some of these places may be like boxes, but they want to live in their own homes. I am very much afraid that we are no further toward that objective today than we were four years ago. In fact, we are retrogressing.

The Deputy Commissioner says no, and I would welcome a discussion in January, but I look at the document here, where we are looking at over 3000 houses, the bulk of which are of a rental type or social housing type, and then, the other concern is on page two, "it would not be realistic to submit to this government these policies in the absence of a realistic appraisal of their costs" and there is the rub. What will it cost, and is the money available, and are these plans just beautiful dreams in the sunset? Did I hear the Deputy Commissioner say "no" again?

DEPUTY COMMISSIONER PARKER: No.

Adequate Provision Of Housing

MR. BUTTERS: This is the concern. I do not think we are going ahead, and I would like to use this opportunity to stress housing, adequate provision of housing for every family in these territories, single persons too, aged too, should be number one, a continuing priority of this house, and I hope we will get adequate time to discuss this document in some detail when Mr. Dietze is present in January in Yellowknife.

THE CHAIRMAN (Hon. Peter Ernerk): Thank you. I think we will have the opportunity to discuss it in detail in future. Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, I recognize that we do not have very much time and I will be rather brief in my comments to this document before us. This is a very important document in an area where I concentrate a great deal. As Mr. Butters pointed out, and I support his comments, people should have a choice and be able to take part in the designing of the houses they want. I think that this view has been time and again expressed and quite clearly. I know in the communities I visit I hear the same thing over and over again, the housing policy is something that relates to many other policies such as local government, town planning and zoning, and with all due respect we must also consider that there are other communities which are lesser, and some of these communities only wish to have a nicely turned log house of their choice and the way they want to design it inside and out.

So, looking at it from that point of view, I think that we do not have the time to look at this document thoroughly, but rather than taking it home, we should share it with our constituents and people responsible in our communities, and maybe at the January session we could really go at it. However, I would hate to see it set aside and forgotten. I want to see it introduced in January and be publicly debated.

THE CHAIRMAN (Hon. Peter Ernerk): Any further speakers on this? Mr. Nickerson.

Cost Estimates

MR. NICKERSON: I do not wish to get into a discussion of the policy right now, Mr. Chairman, but there was one request I would like to make which would enable us to proceed better next January, and that is that some cost estimates be provided in conjunction with this. From the very rough figuring I did it would make me think that the total costs of the program outlined in this document are in excess of some \$60 million, and I just wondered if we could get a reasonable estimate of what it will cost both this government and also the federal government, because we are also federal taxpayers.

SOME HON. MEMBERS: Agreed.

THE CHAIRMAN (Hon. Peter Ernerk): Mr. Deputy Commissioner.

DEPUTY COMMISSIONER PARKER: I would just like to say that most certainly I will have that information ready, cost estimates broken down by government and perhaps in more detail than that. Could I just say further, to Mr. Butters, that the concept of home ownership remains number one priority with the board of directors of the Housing Corporation. What has to be borne in mind, though, is that when the Council's Task Force on Housing report was prepared, one of the main items contained in that report, one of the crucial items was the identified requirement to have a subsidy program on utilities. Without such a program for utilities it was recognized that home ownership would continue to be very far off in the Northwest Territories. The Housing Corporation is working, as best it can, in the direction of obtaining subsidies on utilities, but it is a tough row to hoe. We are working through Central Mortgage and Housing Corporation programs and through direct requests to the federal government, and I hope to have more to say on that at the January session.

THE CHAIRMAN (Hon. Peter Ernerk): Thank you. Are there any other speakers who would like to speak on this at this time? I take it then that you would like to talk about this in much more detail perhaps in January during our January session. That seems to be the suggestion I am getting from a number of Members. Is it agreed? Mr. Lafferty.

MR. LAFFERTY: Mr. Chairman, as a final comment, I understand the arguments for and against such a centralized policy as the policy before us. I could also understand a home ownership cost that is expressed here. I can understand it is high, in excess of \$60 million. I can understand that too, but I also believe it can be no other way when there is no local input into these designs of homes, into the authorities being established.

Qualification Of Members

I do know that on the board of directors of the Housing Corporation there are hardly any people who are qualified to even construct an outhouse, sitting on the board of directors. If this is the case, how can we expect these people to design a house for one region throughout the Northwest Territories which is so different climatically from one area to the next?

Now, there are many things that we should debate and discuss and that we should keep in mind that this is a very important document. It is probably top priority in the Northwest Territories, and we should not forget it but make sure that it is reintroduced at the January session.

THE CHAIRMAN (Hon. Peter Ernerk): Thank you. Mr. Whitford.

MR. WHITFORD: Mr. Chairman, I believe that the Housing Corporation board asked last spring for a person to be hired to the corporation to be able to go to the communities and discuss with them in the designing of the homes, as to how the people felt the homes should be designed in their particular community to serve their particular needs. Is that so?

THE CHAIRMAN (Hon. Peter Ernerk): The answer is "yes". Members of the committee, I am not sure whether to make some sort of a motion indicating that this be discussed again in January in detail. Mr. Nickerson.

MR. NICKERSON: I would not think that is necessary, Mr. Chairman. In order to bring this matter to a conclusion, I would recommend that we report progress.

THE CHAIRMAN (Hon. Peter Ernerk): Is it agreed?

---Agreed

MR. SPEAKER: Hon. Peter Ernerk.

Report of the Committee of the Whole of Tabled Document 2-60, An Integrated Housing Policy for the Northwest Territories

HON. PETER ERNERK: Mr. Speaker, the committee has discussed briefly the Tabled Document 2-60, An Integrated Housing Policy for the Northwest Territories which was approved by the board of directors of the Northwest Territories Housing Corporation on August 26, 1976, and it is suggested that we discuss this again some time later on, perhaps at the January session, so I wish to report progress.

MR. SPEAKER: Motion 21-60, would that be the next piece of business? That is Mr. Fraser's motion. Is it agreed?

---Agreed

This Council will resolve into committee of the whole for consideration of Motion 21-60, Forest Protection, Low Priority Zones, with Mr. Butters in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Motion 21-60, Forest Protection, Low Priority Zones, with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER MOTION 21-60, FOREST PROTECTION, LOW PRIORITY ZONES

THE CHAIRMAN (Mr. Butters): The committee will come to order to discuss the motion that was referred to in committee of the whole this morning, Motion 21-60. Mr. Fraser, do you want to use this opportunity to enlarge on the points you were making this morning?

MR. FRASER: Yes. This morning I think Mr. Nickerson brought up something on this low priority zone. I just wanted to mention that the priority zones are made up in Ottawa and sent in to Yellowknife for distribution to the different regions. However, prior to Ottawa taking this responsibility we used to make up the priority zones in the different settlements and consult with the hunters' and trappers' associations and go into the communities, find out where the good fur-bearing locations were and we would mark them on the map as priority zones but somehow we were knocked down on that and Ottawa said they would make up the priority zones, so we did not have any input into it at all.

This bothered a lot of people in the settlements because I do not think that Ottawa is in a position to tell them where the good trapping zones are and good hunting zones are, being so far away. However, this is what they had to contend with and I do not blame Northwest Territories Lands and Forests Service or Yellowknife for it at all because they did not have any input. It was all done through Ottawa. I think that is what Mr. Nickerson was talking about this morning. If there are any further questions, I would be glad to answer them.

Fighting Fires In The Northwest Territories

THE CHAIRMAN (Mr. Butters): Maybe before I ask for questions from Members in view of the fact that game is the only responsibility that has been turned over to the Government of the Northwest Territories and the concern that you raise there is with regard to fur-bearing animals and their habitat, I am wondering if the administration has made any strong approach to the federal people to take a more understanding look at that decision and the priorities that they have set up for fighting fires in territorial forests? Mr. Deputy Commissioner, did you hear that?

DEPUTY COMMISSIONER PARKER: I am terribly sorry, Mr. Chairman, I did not hear the question.

THE CHAIRMAN (Mr. Butters): I was just saying that as game is a territorial responsibility, what has the administration done to encourage the federal government to take a more sympathetic look at the habitat of fur-bearing animals as a priority category?

DEPUTY COMMISSIONER PARKER: We have made a number of submissions to the forestry and firefighting people over the years and they consult with us from time to time. As a matter of fact, they have a budget that they feel they must stick to, so many dollars a year to fight fires, and I suppose that is why they set their priorities. We have made special representation to them for two or three different areas. One of the areas is the area of the headwaters of the river at McPherson where the trapping area lies in the Yukon and the Northwest Territories. We have made special representation that they co-ordinate their firefighting activities into a good job in that area.

Another one we have been very, very much concerned about is the caribou wintering range just north of the Saskatchewan-Northwest Territories boundary, east of Fort Smith. I believe we have made special representation for the area just north of Great Bear Lake. I could not report to you in any more detail as to the kinds of reactions we get, but I would be happy to have a report prepared on our relationship with them and what kind of reactions we do get and make it available to Members.

THE CHAIRMAN (Mr. Butters): Further comments or questions or suggestions? Mr. Nickerson.

MR. NICKERSON: One very brief question, one which the Deputy Commissioner might wish to think about. As I understand it the Wholdaia Lake area is used mainly by people from Fond-du-Lac and Stony Rapids and I wonder if we might approach the Government of Saskatchewan to help us in fighting fires in this particular area.

Preservation Of Fur-bearing Species

My second question, Mr. Chairman, is more properly addressed to Mr. Fraser, I would imagine, and that is in the correspondence that I have received from various groups of people in regard to this matter it would seem to me that really their emphasis is on increasing the amount of firefighting done in the summer, to provide themselves with work, rather than the emphasis being on the protection of trapping grounds. I am not a trapper and I do not know too much about the business but I am given to understand that small fires at any rate within an area in that it gets rid of the overmature vegetation and allows the rejuvenation to take place might be indeed necessary for the proper preservation of fur-bearing species. I wonder if Mr. Fraser, through you, Mr. Chairman, could confirm or deny that which I have been given to believe.

MR. FRASER: I can confirm that to a certain extent. The fires that we have had in the Mackenzie Valley this summer are really something. You can fly out and count 50 or 60 fires. Maybe another approach to getting help to fight these fires would go through the Department of Social Development because if they step in and a lot of these firefighters that we pick up, there is no work in the settlements for them and it gives them a chance to get some spending money. The federal government has said "No", and that is it. It was Ottawa that cut the funds down but we can use another approach and use Social Development for some of the funding for these fires and keep the guys out working in the summer.

As to your other question about fires rejuvenating, that could be. It is a known fact that once you get a fire it takes a few years for it to come back and you get good feed for the caribou and small game but in that country it takes so long for it to rejuvenate, maybe ten or 15 years before you see anything. After the first couple of years you might see grass but caribou will not go into a burned area. They will only go so far in and then go back out again. It destroys the caribou moss and wildlife, ducks, birds and everything else, so I would say -- some of the oldtimers say it is good to let it burn but I do not think so myself.

THE CHAIRMAN (Mr. Butters): Further discussion? Mr. Nickerson.

MR. NICKERSON: I think Mr. Fraser's suggestion about using certain Social Development funds in this manner is a very interesting point and I will certainly look into it for him when I have the opportunity to do so.

Consultation With Band Councils And Hunters And Trappers

The second or third question that I have concerns the type of consultation that might take place with the band councils and hunters' and trappers' associations. Would this be the kind of consultation that takes place beforehand, maybe during the winter when people have the time and the opportunity to sit down with the various people involved and with them determine the areas of priority for next summer, or is it that you mean when a fire is actually started you go around and try to rustle these people up and find out whether they want to fight that particular one or another particular one?

MR. FRASER: Negative. They do not have any say in it at all. The zones are set down by Ottawa and there is no consultation with the trappers and hunters at all. I like your idea there that we should get together with them and let them tell the superintendent or the chief fire protection officer, help them draw up these priority zones and I think you would find it would make it better for everybody if that could be arranged.

THE CHAIRMAN (Mr. Butters): Thank you. To the motion? You will recall that the Deputy Commissioner has promised us a paper in January relative to the relationship between the territorial and the federal government in this matter. Any further discussion on this question? The Minister of Social Development is going to be looking into the matter of using Social Development funds.

HON. ARNOLD McCALLUM: Are you asking me, Mr. Chairman, or the new one?

THE CHAIRMAN (Mr. Butters): The Minister-to-be is the one I indicated.

HON. PETER ERNERK: I also feel it is a very good suggestion made by the Honourable Member from Norman Wells and in the meantime I will certainly instruct the director of Social Development to look into it as well.

Motion 21-60: Forest Protection, Low Priority Zones, Carried

THE CHAIRMAN (Mr. Butters): Thank you kindly, sir. Any further discussion? The motion as it reads, the whereas clause, not the whereas clause, page two: "Now therefore, I move that the Commissioner..." All those in favour of Mr. Fraser's motion please raise your hands? Down. Contrary, if any? The motion is carried.

---Carried

May I report that the motion is carried to the Speaker?

---Agreed

MR. SPEAKER: Mr. Butters.

Report of the Committee of the Whole of Motion 21-60, Forest Protection, Low Priority Zones

MR. BUTTERS: Mr. Speaker, your committee has met to consider Motion 21-60 and the Members approved the resolve.

MR. SPEAKER: Thank you, Mr. Butters. Gentlemen, we should now have had the proposed amendments circulated with respect to Bill 5-60, the Apprentices and Tradesmen's Qualifications Ordinance. I would like to suggest we go back into committee of the whole and complete that bill so that it is ready for third reading. Agreed?

The house will resolve into committee of the whole for further consideration of Bill 5-60, the Apprentices and Tradesmen's Qualifications Ordinance, with Mr. Butters in the chair.

---Legislative Assembly resolved into Committee of the Whole for consideration of Bill 5-60, Apprentices and Tradesmen's Qualifications Ordinance, with Mr. Butters in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 5-60, APPRENTICES AND TRADESMEN'S QUALIFICATIONS ORDINANCE

THE CHAIRMAN (Mr. Butters): The committee will come to order. We are considering Bill 5-60. All the provisions have been agreed to except the minor drafting amendment which would add a new paragraph to it. Does everyone have their little papers which indicates this?

Motion To Amend Clause 2

Paragraph 2, definitions paragraph (e) "Executive Member" means a member of the Executive Committee of the Government of the Northwest Territories who is assigned the responsibility for the apprenticeship program.

Motion Carried

That will go in as paragraph 2(e). Agreed?

---Agreed

Motion To Amend Clause 3

Clause 3, application of ordinance, will be replaced with the following clause -- the current clause 3 is deleted and the new clause reads: The Commissioner is responsible for the administration of this ordinance and may exercise any or all of the powers herein given to the Executive Member.

Motion Carried

Is there any discussion? Is it agreed?

---Agreed

Motion To Renumber Clauses 3 and 4, Carried

Now, we would renumber the present clause 3 to become subclause 4(1) and so that is not deleted, it actually moves down one and becomes subclause 4(1). Is it agreed?

---Agreed

We would renumber the present clause 4, supervisor of apprenticeship program to become subclause 4(2). Do you have that? Is subclause 4(2) agreed?

---Agreed

Motion To Use Executive Member Instead Of Commissioner.

Strike out the word "Commissioner" and replace with "Executive Member" in the following paragraphs; subclause 4(2), subclause 5(1), subclause 5(2), paragraph 5(4)(b), paragraph 5(4)(d), subclause 6(1), clause 7, subclause 9(1), subclause 9(2), subclause 9(3), subclause 9(4), paragraph 10.1, clause 17.

Motion Carried.

Is it agreed?

---Agreed

Clause 1, short title. Agreed?

---Agreed

The bill as a whole?

---Agreed

May I report the bill as amended ready for third reading?

---Agreed

MR. SPEAKER: Mr. Butters.

Report of the Committee of the Whole of Bill 5-60, Apprentices and Tradesmen's Qualifications Ordinance

MR. BUTTERS: Mr. Speaker, your committee has considered Bill 5-60, An Ordinance Respecting the Training and Certification of Apprentices and Tradesmen and as amended it is ready for third reading.

MR. SPEAKER: We are left with four information items, Matters Arising out of the Alaska Tour and Recommendation to Council 2-60. It occurs to me, in that we have two days scheduled for January that we likely would not, with the last 30 or 40 clauses of the Education Ordinance, be pressed for time. So, what I am suggesting is that some of these likely could be done there as well. On the other hand, we could stay on here and do them too. Is there any feeling about the urgency of the remaining items that we should necessarily do them all today? Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, I think the Alaska trip and information items could be safely left to the time when this session reconvenes, but with respect to Recommendation to Council 2-60, were we to deal with this now it would enable the administration to start the drafting mechanism going. So, maybe we should deal with this at the present time.

MR. SPEAKER: What do Members think of that suggestion of leaving the four information items and the discussion of the Alaska tour and I might say with respect to the Alaska tour that I have some very exhaustive notes that I took and they are in the process unfortunately of being typed which I would like to circulate to Members before we discuss that. Would Members agree with Mr. Nickerson's suggestion that we do Recommendation to Council 2-60, leaving the other matters and then going on to third reading? Is it agreed?

---Agreed

This house will resolve into committee of the whole to consider Recommendation to Council 2-60, Tribunals Procedure Ordinance, with Hon. Peter Ernerk in the chair.

--- Legislative Assembly resolved into Committee of the Whole for consideration of Recommendation to Council 2-60, Tribunals Procedure Ordinance, with Hon. Peter Ernerk in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER RECOMMENDATION TO COUNCIL 2-60, TRIBUNALS PROCEDURE ORDINANCE

THE CHAIRMAN (Hon. Peter Ernerk): The committee will come to order. Somebody pulled the plug out. Now, Recommendation 2-60, Tribunals Procedure Ordinance. Do we have anyone who would like to start off with discussions? Mr. Deputy Commissioner, would you like to start off?

DEPUTY COMMISSIONER PARKER: Mr. Chairman, the administration looked into the question raised at the fifty-ninth session and we agree that a standard set of rules should be brought forward in the form of an ordinance. It is our recommendation, as you will note here, that we model our legislation after the Ontario act. We have the Ontario act here but it did not seem useful to distribute it to Members because that is the sort of thing that can be looked at in detail when the bill is presented and, previous to that of course, by the legislation committee, but I guess the important thing is that our examination showed that this would be a sensible move and, having taken it, if Council does do so the application of it can then be selective. You will note here that the boards and committees to which the legislation would be applicable would be named in a schedule so that if there are certain boards and committees that simply do not need to adopt such formal rules it would not be done, and therefore it would not impede their work. But, if at any time such formal rules were necessary this could be done. I have nothing further to say on the subject. The Legal Advisor is the person probably most familiar with this subject.

THE CHAIRMAN (Hon. Peter Ernerk): Mr. Nickerson.

MR. NICKERSON: Mr. Chairman, the impetus for this presentation to the Legislative Assembly, first came from this Assembly by virtue of a motion passed during the fifty-ninth session. I think we must compliment the administration for work well done in studying the matter, in coming up with a possible solution and presenting it to us at such an early date. I for one am in complete agreement with the recommendation and will support it strongly.

THE CHAIRMAN (Hon. Peter Ernerk): Thank you, Mr. Nickerson. Are there any further speakers? Do I have approval then on Recommendation 2-60? Is it agreed?

---Agreed

Shall I report progress? Is it agreed?

---Agreed

I am sorry you did not get a chance to finish your cigarettes.

MR. SPEAKER: The house will come to order. Hon. Peter Ernerk.

Report of the Committee of the Whole of Recommendation to Council 2-60,
Tribunals Procedure Ordinance

HON. PETER ERNERK: Mr. Speaker, your committee has met to discuss
Recommendation 2-60, the Tribunals Procedure Ordinance, and it has been
accepted by the committee.

MR. SPEAKER: Thank you. Item 11, third reading of bills. Bill 2-60,
Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, may I have unanimous consent of the house
to very briefly go back to agenda Item 2 before continuing, or before going
on to Item 11?

MR. SPEAKER: A return?

HON. ARNOLD McCALLUM: A return.

MR. SPEAKER: Is it agreed?

---Agreed

Item 2, questions and returns. Hon. Arnold McCallum.

REVERT TO ITEM NO. 2: QUESTIONS AND RETURNS

Return To Question W24-60: New School, Hay River.

HON. ARNOLD McCALLUM: Mr. Speaker, on October 25th, Mr. Stewart asked
Question W24-60 concerning the tendering plans for the proposed Hay River
school. I have the following reply.

During the Commissioner's talk in committee of the whole on Monday, October
25th, he made mention of the capital expansion program the Department of
Education has proposed and the Commissioner referred to the Hay River school.
At the present time, and in consideration of the present and forecasted
enrolments, the Department of Education does not foresee the construction of
a new school in Hay River before 1980. The department does recognize that
should there be a major development in Hay River, together with a greater
enrolment, it would act in all haste to meet this requirement. Thank you,
Mr. Speaker.

MR. SPEAKER: Are there any further returns while we are on Item 2?

ITEM NO. 11: THIRD READING OF BILLS

Item 11, third reading of bills. Bill 2-60, Hon. Arnold McCallum.

Third Reading Of Bill 2-60: Teachers' Association Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 2-60, An Ordinance Respecting the Northwest Territories Teachers' Association be read for the third time.

MR. SPEAKER: Is there a seconder? Hon. Peter Ernerk. The question. Mr. Butters.

MR. BUTTERS: The question.

MR. SPEAKER: The question.

SOME HON. MEMBERS: Question.

MR. BUTTERS: Just a moment.

MR. SPEAKER: Have you a point of order?

MR. BUTTERS: I wish to move an amendment to the bill on third reading.

MR. SPEAKER: I will just see if you can move an amendment. Rule 62 says: On third reading a bill may be debated or amended but may not be referred back to committee of the whole. Would you put forward your amendment, Mr. Butters?

MR. BUTTERS: Thank you very much, sir. I have circulated the amendment to all the Members and I trust, or I think, it has been translated into syllabics, sir.

Motion To Amend Clause 12

Mr. Speaker, I wish to move an amendment to this bill that clause 12 be deleted and that the wording of the original clause 12 as provided for us by the administration be reinstated and included in the bill as follows: Every teacher who is employed by a board of education or by the government of the territories, shall, upon employment be registered as a member of the association and shall continue to be a member until his employment ceases or his membership is terminated in accordance with this ordinance, the regulations or the bylaws.

MR. SPEAKER: Is there a point of order?

MR. NICKERSON: A point of order, Mr. Speaker.

MR. SPEAKER: Proceed.

MR. NICKERSON: The point of order is this, Mr. Speaker, I wonder if we could inquire as to what the Rules are on presenting a motion that in effect has already been presented once before this house in this session?

MR. SPEAKER: Your point is that that very thing was altered in committee and can not be voted on a second time in the same session?

MR. NICKERSON: Yes, Mr. Speaker.

MR. SPEAKER: Well, I think we will recess for five minutes while I take a look and see. The house stands recessed for five minutes, but stay in the area gentlemen and we will consider it.

---SHORT RECESS

MR. SPEAKER: The house will come to order. On the point of order raised by Mr. Nickerson. One has to have regard to Rules 50 and 51 to determine their application. Rule 51 says that a motion negatived in the committee of the whole may be made again in the Legislative Assembly. If you interpret that as meaning that the section as advanced received an amendment that amounted to a negativing of it, then you can conclude that the section can be then put again in the Legislative Assembly. Or, if you follow pursuant to Rule 51 that the vote amounted to an affirmative, then an affirmative may be rescinded on a motion to that effect in the Legislative Assembly. Quite apart from that, of course, you have to look at the practice and precedents of the house. I must say that in the years I have been here I can recall this particular mechanism having been used on many occasions with a particular style that was often adopted by the former dean of the Council, Mr. Lyall Trimble. So on the basis of the fact that it has been done in the past and on the basis that the interpretation of sections 50 and 51 can support its doing so now, Mr. Nickerson, I will have to hold against your point of order and permit the motion to be put. Mr. Butters.

MR. BUTTERS: Thank you.

A Self-Governing Association

MR. SPEAKER: You put the amendment. Is there a seconder? Mr. Fraser. Discussion? Mr. Butters.

MR. BUTTERS: Mr. Speaker, as you pointed out, when matters are raised on third reading they are very serious and important matters and the matter I suggest that is before us is just that. It is a mockery, I suggest, that we have considered a bill, the purpose of which is to create a self-governing association of teachers in the territories with power to register members and carry out the disciplinary procedures and really in effect what the bill as it has been amended in second reading has done is to strip that association of powers that were legitimately given to that body by this house through legislation in 1969. This house has welcomed an ordinance which gave just last summer to the legal profession the rights and privileges to form an association, a professional association of members of the legal profession in these territories.

Earlier on, I think it was in 1973, this house gave to the nurses the right and privilege to register and to certificate and discipline their members, but when the teaching profession comes before us seeking the same rights and privileges, not even as much, because they are not asking for certification privileges, they come before us and we remove the rights they have already worked for as a result of passing the amendment to clause 12. The teachers, as I have said, have this right under an ordinance passed in 1969, an ordinance respecting the Northwest Territories Teachers' Ordinance, an ordinance which this bill makes void when it receives third reading and assent, an ordinance which gives the teachers the power and privileges to organize, to negotiate and carry out the objectives of a professional union. What the teachers came here for was not for this right. They already have it. They came here to be able to discipline their members, regulate their profession, discipline their profession and we are sending them home with nothing. I would like to point out that the amendment I have suggested is just the very wording the administration has already provided us. The administration is satisfied with that wording. The administration can live with that because the legislation has been developed by the administration.

I recollect what Deputy Commissioner Parker said to us yesterday. I do not think that maybe perhaps the Legislative Assembly Members do realize the importance of what action they have taken with regard to this bill in clause 12 because they have changed the situation from the present status very substantially, so you have changed the present situation and you have taken a very large step back from the present bargaining position to a new position. Agreements exist between the Government of the Northwest Territories and the Northwest Territories Teachers' Association at this very moment, that with this new clause 12 are negated and revoked.

Right To Work

I remember when Hon. David Searle sat in the chair prior to taking the vote and he said "Mr. Chairman, I think the particular clause as recommended by Mr. Nickerson is the first step in his 'right to work' legislation. I think we might as well call it what it is, for I support it."

I will remind you what happened when there was a motion relative to "right to work" legislation earlier on because "right to work" legislation is not a right to work. It is really a means for interfering with the organization of groups, professional groups, labour groups, but that is what it is. It is not to ensure that people have the right to work and you will remember what the Commissioner said to us when we were talking about that. With reference to Mr. Nickerson's motion, I wonder if it would not be the best course of action if we were to put together a paper for you explaining what the "right to work" laws really mean because I think with the exception of perhaps one or perhaps two of you I do not think you have any idea of the

holocaust you are going to bring down around your heads if you proceed with legislation along this line. It is considered by Canadians in general as very reactionary legislation and I am not sure that the Government of Canada would even permit it.

MR. SPEAKER: Further debate?

HON. ARNOLD McCALLUM: Mr. Speaker, I can only add to what the mover of the motion has already said in regard to the agreement that has been negotiated by the association which has been agreed to by both the administration and the teachers and that is the right to have all teachers pay fees. The amendment proposed by Mr. Nickerson in the committee of the whole, if that were to go through with third reading, it would detract, of course, from that. I support the motion of Mr. Butters because I think if it takes something away from somebody who already has it, it is wrong. I think as well in relation to the "right to work" that Mr. Butters put it exactly as it is. I think people who are together as a group have the right to belong to that group. I think that this motion as made by Mr. Butters should be within the ordinance upon third reading.

MR. SPEAKER: Further discussion. Mr. Nickerson.

An Insult To The Assembly

MR. NICKERSON: Mr. Speaker, Mr. Butters' motion is nothing less than an insult to this Assembly. We have already deliberated this matter very carefully. We have given it a great deal of consideration. We have asked questions, we have received replies. We know exactly what we are doing. Were I to take such an action over something that I had been beaten over fairly and squarely, I think that on reflection I would be ashamed of myself.

MR. BUTTERS: A point of order, sir. I wish that the Member would refrain from using personal remarks -- "what I had been beaten over".

MR. SPEAKER: Mr. Butters, I did not hear Mr. Nickerson to use your name specifically in the reference to that statement. In my interpretation of it he was referring to the Executive. I am sorry. You are quite right, there should not be personal references used but I am just saying I did not understand that last comment necessarily to refer to you.

MR. BUTTERS: Thank you.

MR. NICKERSON: I was referring to a situation, Mr. Speaker, where were I to be beaten on a particular issue, I do not think I would have brought it up on third reading like this. This is a matter that has been decided. The wishes of the whole house are known already. This is just a device to prolong things. I think that we should not go along with it at all.

We are just making a mockery of ourselves and we can not go and say one thing one time and then just a few hours later say we want to change it. "We will do this" and a few hours later change it again. What are people to think? What are people to think of us when we do these types of things?

Several questions have been raised, questions which were dealt with previously, but because the Honourable Members' memories do not seem to be working that well today, I will tell them what they were and what the answers were at that time. On the question of discipline the only real recourse that the union has is to throw out its members. That in effect, because as we know that they could still be retained as an employee by the Department of Education, is no real deterrent in itself. We have to get this straight that we are dealing with an organization that is basically a union and this question of discipline is to a great extent a red herring that has been dragged into it. We are not, Mr. Speaker, taking away any rights from the teachers. At present they do not have a closed shop. It never has been the intention of the Legislative Assembly before to give them a closed shop.

A Retrograde Step

In my estimation to do so would be an extremely retrograde step. At present, they work quite well and we were told by representatives from that organization that at present without a closed shop approximately or nearly fully 100 per cent of the teachers in the Northwest Territories choose on their own to join this particular union and I would assume that things would be no different were this ordinance to be passed. I think that in keeping union membership non-compulsory we are doing a great service to the people who become members of the union because then the union executive has to work for their benefit to keep their support.

MR. PEARSON: Hear, hear!

MR. NICKERSON: If this is not the case, if membership is made compulsory,

then we see union people using their members. They have other aims in mind. They use their members to obtain other ends and this is something that surely we do not want.

With respect to the "right to work" principle which apparently Mr. Butters does not agree with, apparently he does not agree with the "right to work"; I certainly do and I think that everybody should have as much opportunity as possible to work at the jobs they want to work at, not to be told by some other organization "You shall not work at this job. You shall do this and you shall do that". To me this is a great step forward. If we can at this present time start a legislative program which will enable us to go ahead, I am a great believer in individual freedom and liberty and I do not like to see it being abrogated.

Finally, Mr. Speaker, I hope that this amendment will be soundly defeated, as it deserves, because if it is not, it means that we will not get away from here this afternoon, I will see to that, I will see that the rights of the teachers and the rights of the other people of the Northwest Territories are not to be cast aside. I will see that if this does not go ahead now, if the amendment is not defeated, I will see that we work on this legislation, one way or another, until we get what we want for the people of the Northwest Territories.

MR. SPEAKER: Is there any further discussion? With respect to the mover's right of last reply, every Member has the right to speak once to a motion, except the mover of the motion who has the right to last reply, but Subrule (2) says that notwithstanding Subrule (1), the mover of an amendment to a motion has no right to the last reply. The motion, as I understand it, to give third reading to the bill, was moved by Hon. Arnold McCallum, and I believe, Mr. Butters, therefore, you are in the position of being a mover of an amendment; hence you have no right of last reply.

Motion To Amend Clause 12, Defeated

Now, if the debate is finished, are you ready for the question? The question being called. The question is on the amendment that is proposed by Mr. Butters. All in favour? Six. Contrary? Six. Is the vote tied? I vote against the amendment.

---Defeated

On the motion then for third reading. The question. The question being called. All in favour? Contrary? Carried.

---Carried

---Applause

Bill 3-60, Hon. Peter Ernerk.

Third Reading Of Bill 3-60: Territorial Hospital Insurance Services Ordinance

HON. PETER ERNERK: Mr. Speaker, I move that Bill 3-60, An Ordinance to Amend the Territorial Hospital Insurance Services Ordinance, be read for the third time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Any discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? Carried.

---Carried

Bill 5, Hon. Arnold McCallum.

Third Reading Of Bill 5-60: Apprentices And Tradesmen's Qualifications Ordinance

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 5-60, An Ordinance Respecting the Training and Certification of Apprentices and Tradesmen be read for the third time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? Third reading is carried.

---Carried

Bill 6-60, Hon. Peter Ernerk.

Third Reading Of Bill 6-60: Supplementary Appropriation Ordinance, No. 2, 1976-77

HON. PETER ERNERK: Mr. Speaker, I move that Bill 6-60, An Ordinance Respecting Additional Expenditures for the Public Service of the Northwest Territories for the Financial Year Ending the 31st Day of March, 1977, be read for the third time.

MR. SPEAKER: Is there a seconder? Mr. Lyall. Discussion?

SOME HON. MEMBERS: The question.

MR. SPEAKER: The question being called. All in favour? Contrary? Third reading is carried.

---Carried

Turning back to the orders of the day, Item 12. Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, I would request unanimous consent to return to Item 5, reports of standing and special committees.

MR. SPEAKER: Unanimous consent requested to return to Item 5. Is it agreed?

---Agreed

Item 5, reports of standing and special committees. Mr. Nickerson.

REVERT TO ITEM NO. 5: REPORTS OF STANDING AND SPECIAL COMMITTEES

MR. NICKERSON: Mr. Speaker, I am pleased to report that at the meeting of the standing committee on legislation held during the lunch hour, Mr. William Lyall was elected chairman of the committee.

MR. SPEAKER: Hear, hear!

Now, returning to the orders of the day, Item 12, assent to bills. Mr. Commissioner.

THE COMMISSIONER (Mr. Hodgson): Could I have five minutes?

MR. SPEAKER: Certainly. This house stands recessed for five minutes.

---SHORT RECESS

MR. SPEAKER: Gentlemen, the house will come to order. Captain MacKay, would you kindly see if the Commissioner is available to assent to bills?

ITEM NO. 12: ASSENT TO BILLS

THE COMMISSIONER: Please be seated. Mr. Speaker, Members of the Legislative Assembly, as Commissioner of the Northwest Territories I assent to bills: Bill 2-60, Bill 3-60, Bill 5-60, and Bill 6-60.

MR. SPEAKER: Hon. Peter Ernerk, you had something you had mentioned you wanted to do.

HON. PETER ERNERK: Mr. Speaker, I very, very briefly want to say to you, say to all of you, that I think it has been a very good experience, at least on the part of a number of Members, to come to this community and, of course, I said that you were welcomed by the people of Rankin Inlet and by the people of the Keewatin district. I was certainly very pleased to see this session of the territorial Legislative Assembly held in Rankin Inlet, and, as I said earlier, perhaps other sessions will be held in other communities in the Keewatin next fall and so forth.

Now, I have a number of Arctic char to be presented to each of the Members, which I am sure you will want to take back with you. I do not believe there are any more Arctic char in Frobisher Bay. So, Mr. Pearson may be very pleased to take an Arctic char with him. They are very fresh, by the way, and knowing that the Legal Advisor has worked very, very hard during this particular session, I also have one for you. Now, they are out in the freezer, and shortly after the session we can all get our Arctic char and take them with us back to Yellowknife, Cambridge Bay or Inuvik. So, anyway, that is what I wanted to present you with at the sixtieth session.

---Applause

MR. SPEAKER: Mr. Clerk, orders of the day.

CLERK OF THE HOUSE: Orders of the day, 9:00 a.m....

MR. SPEAKER: Excuse me. Mr. Deputy Commissioner.

DEPUTY COMMISSIONER PARKER: If I could just be permitted to make this announcement because it is of interest to Members. We propose that those persons travelling on the G-1 going west, and those persons travelling on the MU-2 going to the "far East", be in the lobby or at the front door of the hotel at 4:30 o'clock p.m. for a 4:45 o'clock p.m. take-off.

MR. SPEAKER: Mr. Clerk.

ITEM NO. 13: ORDERS OF THE DAY

CLERK OF THE HOUSE: Orders of the day, 9:00 o'clock a.m., January 20, 1977, at Yellowknife, Northwest Territories.

1. Prayer
2. Questions and Returns
3. Oral Questions
4. Petitions
5. Reports of Standing and Special Committees
6. Notices of Motions
7. Motions for the Production of Papers
8. Motions
9. Tabling of Documents

10. Consideration in Committee of the Whole of Bills, Recommendations, Other Matters and Information Items: Bill 1-60, Matters arising out of the recent tour of the Legislative Assembly to the State of Alaska, Information Items 1-60, 4-60, 8-60, 16-60
11. Third Reading of Bills
12. Assent to Bills
13. Orders of the Day

MR. SPEAKER: Just before adjourning, I would like to make this comment. The sixty-first session, as you all know, is due to commence on Saturday, the 22nd of January, at 2:30 o'clock p.m. and you should plan on it continuing for a period of one month, four weeks.

The hour being 5:30 o'clock p.m., this house stands adjourned until 9:00 o'clock a.m., January 20, 1977, at Yellowknife, Northwest Territories.

---ADJOURNMENT

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